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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 MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The guest Chaplain, Rev. Peter Marshall, Jr., Orleans, MA, offered the following prayer:

Let us pray.

Heavenly Father, I pray for the men and women of this Chamber, who by Your mercy have been granted the high privilege of being a U.S. Senator. Make them mindful, O God, that they hold their office as a public trust; that they are first responsible, not to their constituents or each other, but to You, as men and women who will one day stand before Your throne to give account for their lives. Father, if any of them are laboring under the jaded cynicism that can come from years spent in the political process, cleanse them from it. Father, grant them a renewed vision of the nobility of a life spent in public service. Fire their hearts, O God, with the love of truth and honest dealing, that they may rise above mere vote trading and the blandishments of lobbyists and do that which is right in Your sight.

Through Jesus Christ, our Lord, Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 18, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following the remarks of the two leaders, the Senate will proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

I have been in contact with the Republican leader. We hope, in the near future, to be able to enter a unanimous consent agreement to move forward on the tax extenders legislation, with limited debate. We also were unable to reach an agreement to consider the Advance America's Priorities Act. I am expecting a call from Senator COBURN momentarily to see if we can work our way through that. If we are unable to reach an agreement today on the extenders package—and we certainly think it would be possible, with an agreement, to work through the Coburn problems, but if we cannot do that, we will have to have a cloture vote in the morning on S. 3297. I hope that is not necessary.

I remind everybody that the adjournment date is next Friday. Everyone who holds things up must be very careful that they are not holding up our getting out of here on time. We have to do the extenders. We have to do the energy legislation. We have to do work on the stimulus bill, a CR, and a few other things that are absolutely necessary. I have spoken to the House leadership, and they want to be out by next Friday. But we have to send them some things before we can be out by next Friday.

I remind everyone that it is possible that we might have to work the next few days. There is nothing to change that at this stage. Monday, there will be no votes. I announced that some time ago. That being the case, whatever we do this week, then we have next Tuesday, Wednesday, Thursday, and Friday, and that is our adjournment date. If we don't finish our work by next Friday—or Saturday, if that is the case—the following week is a Jewish holiday, Rosh Hashanah, which means we would have to come back the following Wednesday. So I hope everybody understands how difficult this is. One of the Senators said to me: Why aren't you more definite in what you are scheduling? I just cannot be, with the procedures in the Senate. One or two people can really throw a monkey wrench into how we move forward.

I hope we can have a very productive day. It is possible that we can complete the tax extenders and the energy legislation today. We could do that all today. There is no reason we can't. We know what we need to do. We need to pass the paid-for extenders on energy. We need to have a vote on AMT, whether we are going to pay for that, and we need to have a vote on the rest of the extenders package. Time limits are in

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

the proposed unanimous consent agreement. We can do that quickly, and we can then move to have the votes on the energy package. Senator BINGAMAN has an amendment. We have a House bill. We could move to substitute the Bingaman amendment for that. The Republicans have something they want to do on drilling. And then we will see if there is going to be the alternative offered by the Gang of 10. We could do that all today. We may go into the evening a little bit. But I hope Senators realize that every little bit of time that we don't have an agreement to move forward with legislation, it makes it more apparent that we are going to have to be here tomorrow, maybe Saturday, and certainly after the adjournment date.

RECOGNITION OF THE REPUBLICAN LEADER

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

MAXIMUM COOPERATION

Mr. MCCONNELL. Mr. President, let me say to my good friend the majority leader that he can expect a high level of cooperation from this side on moving forward on the extenders package, as we have essentially reached an agreement, which has basically been drafted. We will be working on a way to go forward, procedurally, on that measure at the earliest possible time. He will also get maximum cooperation from us on a variety of different matters he would like to consider prior to next week. So we will stay in constant communication and try to see what we can accomplish on a bipartisan basis in the rather small amount of time we have remaining.

THE ECONOMY

Mr. MCCONNELL. Mr. President, on the front page of every newspaper in towns and cities throughout the country, Americans are reading stories about our economy and they are looking for answers. They are looking for leadership. They are looking for a sign that everything is going to be OK—or, at the very least, a sign that their elected officials are committed to fixing the problem.

I know that, in Kentucky, it is not the hard work that bothers them. They have always held up their end of the bargain. It is what they can't control that makes them nervous. They want to know that their pensions, their savings, and their families are going to be OK. They want to be reassured that the investments taxpayers made this week were the right thing to do.

Considering what the American people have seen from some of our colleagues on the Senate floor this week, I understand their nervousness. Instead of working to ease the anxiety Americans are feeling about the economy, some are using the anxiety to continue their everlasting campaign. Instead of coming together to face this problem head-on as a country, some colleagues have taken to the Senate floor to blame Republicans for the bad news.

It is little wonder why Americans hold this Congress in such low regard. We can all come up with a million reasons to blame someone for bad news, but it doesn't change the fact that we all face these challenges together. It is time to confront the problem rather than point fingers. That is the challenge for this Congress in the days ahead.

Mr. President, I yield the floor.

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, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Montana is recognized.

IN THE LAST MINUTES

Mr. BAUCUS. Mr. President, as the old saying goes:

If it were not for the last minute, a lot of things would not get done.

Well, God willing, we are nearing the last minutes of this Congress and, God willing, we are close to getting a lot of things done.

For the better part of this Congress, we have been working on passing three major tax bills. One has been to put America on sounder energy policy. The second has been to prevent the AMT from raising taxes for millions of American families. The third has been to extend a series of tax incentives that are vital to American jobs and families. Frankly, on these matters, what unites us is far greater than what divides us. And now, at the last minute, it is time to get these bills done.

With this in mind, I have worked with my good friend CHUCK GRASSLEY, the ranking Republican member of the Finance Committee. Together, we have worked with the majority leader and with the Republican leader. We have worked with Senator DURBIN and with Senator KYL. All of us have come together on a way to get these major tax bills done.

What has divided us on tax measures has been mostly whether to pay for them. Democrats have said we should. Republicans have said we should not. So we and the leaders have come up with an honorable compromise. We propose that we pay for the energy tax bill, that we not pay for the AMT bill, and that we pay for roughly half of the tax extenders bill. With this structure, we believe we can pass these bills, we can get a lot of things done, and we can help to bring on the last minutes of this Congress.

Passing these bills would get a lot of things done. The Energy bill would help to create well-paid jobs in the growing field of new energy technologies. It would help to secure America's independence from high-priced foreign oil. It would help us to move closer to addressing global warming.

The AMT patch would keep some 21.5 million taxpayers from being hit by a tax increase. We must not let more families fall into the AMT.

The tax extenders package would help provide relief in a time of economic uncertainty. The economy clearly is struggling and so are America's working families. Markets are experiencing volatility. In times such as these, Americans need tax cuts they have come to count on to help them get by. The tax extenders package includes the research and development tax credit to spur new, high-paying jobs. It includes a teacher expense deduction to help teachers who put out money from their own pockets to buy school supplies. It includes a tuition deduction to give families needed relief from rising college costs.

As well, this package includes the mental health parity bill. The bill has been a long time in coming. We must pass this bill for many reasons. It would ensure that families facing mental health challenges would receive fair treatment—treatment the same as those facing other health challenges. This legislation is a tribute to the hard work of Senators Paul Wellstone, TED KENNEDY, and PETE DOMENICI.

This package also includes disaster relief. It would aid the victims of the Midwest floods. It would help the victims of all recent federally declared disasters. It includes relief for the victims of Hurricane Ike and Gustav.

This is a good package. It would make real progress on energy policy. It would extend needed tax relief in hard times. It would give us a chance to show American families that Congress can work for them.

So let's hasten the last minutes of this Congress. With that, let's finally get a lot of things done. Let's do the work of governing that the American people sent us here to do.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

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

THE ECONOMY

Mr. CORNYN. Mr. President, this week I witnessed the devastation and

destruction of Hurricane Ike in Texas, and, of course, that destruction has extended beyond the State of Texas to other parts of the country as well, leaving thousands of people without homes, millions without electricity, and countless without water and the necessities of life.

I traveled with the Secretary of the Department of Homeland Security, Michael Chertoff, the head of the Federal Emergency Management Agency, the Secretary of Health and Human Services, and the President of the United States over the past few days surveying this devastation and trying to do everything we could collectively, together with the Governor of Texas, the National Guard, the Red Cross, and many volunteers, to get people back to their regular routine, hopefully back in their homes, back to work with power restored and the necessities of life being provided as soon as possible.

There are a lot of people working to make that happen, from private businesses to the electric utilities that are trying to get power back online to the oil companies. All are working as hard as they can to get life back to normal as soon as possible.

I also witnessed firsthand the importance to the Texans who were personally affected by this catastrophe of a calm, reassuring response from the Government, a disciplined approach to the problems, and a sense of optimism from their leaders about the future. What people want from their Government is not panic, is not hyperbole, is not partisan attacks and the blame game. What they want is their leaders to talk about how we are going to methodically work through this challenge and find a solution to the problem.

Unfortunately, in Washington, we are facing a very different but nevertheless very real storm in our financial markets. The problem is, we have witnessed the most recent string of failures that have not seen any precedent since perhaps the Great Depression.

The collapse of companies such as AIG and Lehman Brothers, the purchase of Merrill Lynch by the Bank of America, the probable sale of Washington Mutual, all on the heels of a massive Government takeover of Fannie Mae and Freddie Mac, point to a financial system in serious trouble.

Today we do not yet know where this will all lead, especially how far the fallout from the troubled subprime mortgage industry will reach. The irresponsibility of so many financial institutions has touched almost every segment of our economy, and the effects are far from over.

While I have heard from many of my colleagues demand for quick Government action to counter this downturn, I would caution all of us that the most important approach is to take a deep breath, to consider the facts, and then to act carefully and deliberately, working together across the aisle to identify the actual causes of this crisis and what we might do to make things better.

The first thing you need to do in a crisis is to take stock of the situation and identify the specific problems that need to be addressed so we can be sure or as much as humanly possible that we don't overreact or actually try to treat a problem that doesn't exist or to make something bad even worse, indeed.

Now, if there ever were a time, is a time for level heads and bipartisan cooperation, not overreaction and not partisanship. Now is the time for an earnest and probing discussion.

It is clear that many factors have contributed to this problem, and I have to say both political parties share part of the blame. In the 2 years since our Democratic colleagues have taken over, Congress has failed to address the rising debt of the Federal Government, with deficits at record levels, important tax relief that has not been made permanent and which will expire in 2011, and all attempts at addressing American energy production and, of course, rising prices at the pump. All of those efforts have effectively been blocked.

But rather than engaging in the blame game, which is a world class sport in Washington, and pouncing on this crisis as an opportunity to point fingers, the American people need for us to come together and have a serious, nonpartisan discussion, investigation, and resolution of these challenges.

One thing that should be crystal clear, however, is that mixing public purposes and private enterprise in a quasi-governmental entity is a dangerous business, if not more so, than the free market itself. The unprecedented collapse of Fannie Mae and Freddie Mac has sent shock waves throughout our financial system.

That is why 2 years ago I joined several of my colleagues in an attempt to reform government-sponsored entities. That is what these two entities, Freddie Mac and Fannie Mae, are called, government-sponsored entities. Unfortunately, folks on the other side of the aisle blocked every attempt at that time to reform this broken system. At the time, I suppose things seemed to be working pretty well. But as we know now, these institutions were rotten to their core and destined to ultimately fail. Looking back on those actions then, they seem even more urgent now than they did then.

Now that these institutions have failed, my colleagues on the other side of the aisle are calling for investigations they rejected 2 short years ago. Representative BARNEY FRANK at that time said:

> These two entities—Fannie Mae and Freddie Mac—are not facing any kind of financial crisis. The more people exaggerate those problems, the more pressure there is on these companies, the less we will see in terms of affordable housing.

I have said things in the past that I have later on learned to regret or had cause to revise and correct. I bet BARNEY FRANK wishes he could take those words back today. We have colleagues in this body who went so far as to ask the President to immediately reconsider his ill-advised reform proposals. They are the reform proposals we have now enacted, unfortunately now that the horse is out of the barn and Fannie and Freddie have failed.

It is difficult to think that we may have had a chance to head off the collapse of Fannie and Freddie and prevent a lot of turmoil we are facing now. But, indeed, with the benefit of hindsight, if we had acted 2 years ago or even 5 years ago to implement the reforms we have now since implemented, we could have headed off this calamitous failure of these two huge quasi-governmental institutions.

Then, of course, there is the fact that Fannie and Freddie faced increasingly well-documented corruption and mismanagement. In 2006, some of the very leaders of those entities paid huge civil fines for basically cooking the books to make the profit look better than it actually was in order to reap huge financial bonuses. Yet for some reason, the Department of Justice gave them effectively a slap on the wrist, a civil fine rather than prison time and true accountability.

Because of the intertwining nature of these quasi-governmental entities, Fannie and Freddie, they developed ultimately a powerful lobby group and became institutionalized in the Government. They developed, in effect, a political shield that made them invulnerable to the kind of scrutiny that private enterprise ordinarily would have and that proper oversight would produce.

I have sent a letter to the Attorney General of the United States asking for a full investigation into what happened with Fannie and Freddie and to find out how two institutions that are so central to the issuance of mortgages in the United States could have been so poorly managed that they had to be bailed out by the American taxpayers.

Fannie and Freddie have proven that direct governmental involvement does not necessarily mean better management, nor does it preclude financial disaster. In fact, the Government involvement itself may have created a false sense of security that made it less obvious that these entities were, indeed, increasingly a house of cards.

What was the result? The result is now at least an estimated $200 billion tab for the Federal taxpayers, maybe higher in the end. All told, Reuters has estimated the Federal Government bailouts to date have totaled roughly $900 billion. Between Fannie and Freddie, Bear Stearns, the FHA, and an assortment of other programs, we will spend almost $1 trillion of the American taxpayers' money. This kind of spending on private entities and loans cannot protect the economy and will only result in higher taxes to pay for it and further dwindling of the value of the dollar.

That is why rather than reacting hastily and increasing the cost to the

taxpayers, we need to cool down, take a breath, and look at the economy more closely.

No one suggests that regulation is not appropriate in the right circumstances, but the Democratic candidate for President, Senator OBAMA, used the word ''regulate'' or ''regulation'' or a variation of those words 26 times in a single speech this last week—26 times. What we need to ask ourselves is if we have the right systems in place to oversee and effectively regulate industry where necessary.

Anyone who has studied corporate law can tell you there are plenty of laws and regulations governing the conduct of business entities. The question we ought to be asking is, are they working effectively or is the redtape and bureaucracy self-defeating? What can we do to improve the regulatory regime, not necessarily use it as an excuse to grow the size of Government along with an increase in the tab the taxpayers invariably will pick up?

Rather than taking over businesses and guaranteeing against failure, how can we, working together in a nonpartisan fashion, create a more effective framework to help business succeed?

The most important thing to remember is that the free enterprise system will weather any storm and will bounce back if we let it. But if we use this as an excuse to grow the size of Government, to create new bureaucracies, to create more redtape, and to create an increase in the cost of Government, then it will crowd out the new job creation we need in order to keep this economy strong.

So instead of trying to box in our economy and control it from Washington, DC, how it works in every minute detail, we should be creating the most fertile environment for the economy to grow. Overregulating the economy is like planting an oak tree in a flower pot. Even if it survives, it will never get very big.

There are some things Congress can do and can do quickly. We can reassure the American worker that we will keep taxes low rather than allow them to grow and increase. We can keep taxes low for individual Americans, for corporations, for small businesses. We can make sure the capital gains rate is low. We can do what Senator MCCAIN has proposed and lower the corporate tax rate, which is the second highest in the world.

Does it make sense to increase corporate taxes because we can stand up here and rail against corporations and excess of the market or does it make sense to make it more likely that these corporations will actually create jobs in America because of a more favorable tax regime rather than go abroad and create those jobs because the cost of doing business is too high here?

Another thing we can do is we can help cut out-of-control Federal spending. That would help the economy. Spending more Federal dollars will only take away from the people the resources we need to strengthen the economy—the small businesses that innovate and drive competition, the workers who make industry run, and the consumers who return money to the economy.

Another thing we can do is commit to free trade. Free trade creates jobs in America from the agricultural produce we grow to the products we manufacture that we have new markets for in other parts of the world. If we make a commitment to open new markets to fair and equal trade, we give new outlets for American goods and produce. Trade has always helped businesses grow, and it creates new jobs and higher wages right here in America. That is why one thing we could do to help stimulate our economy and get the economy back on track is to pass the Colombia Free Trade Agreement, something that Speaker PELOSI has blocked for many months now.

We can open America's energy resources for more domestic exploration and production.

Mr. President, I ask unanimous consent for an additional 3 minutes.

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

Mr. CORNYN. Mr. President, we can open America's energy resources right here at home so that we would have to spend less money buying that oil from the Middle East or from Hugo Chavez in Venezuela.

Americans are feeling the pinch of high gas prices, and not just when they fill their gas tank. They feel it at the grocery store, and in the cost of fuel for the schoolbuses run by the school districts around the country, even for our law enforcement officials who drive police cruisers. These high gas prices affect all of us, and we could do something about it today, right here in Congress, by our being part of the solution and eliminating the moratorium on offshore exploration and development of the oil shale out in the Midwest and up in the Arctic, where we could produce as many as 3 million additional barrels of oil a day right here at home, and reduce the amount of money we send to the Middle East to buy that oil. We know also that it would create jobs here in America to produce it.

So there are a number of things we can do right here in the United States at this time that do not result in overregulation and strangulation of an already struggling economy.

We have seen financial institutions, such as the Bank of America, stepping in and shoring up the market and preventing some of the losses. And while there is no doubt this consolidation of the financial markets is painful for many, we have to focus on long-term solutions that will put the economy back on track. Again, this situation calls for a calm, nonpartisan discussion that looks for the real root of the causes of this crisis and the best ways to recover from it. We should remember the old carpenter's adage to measure twice and cut once. We can't afford to make hasty decisions that may in the long run hurt our economy.

We may never be able to foresee every crisis that our country or our economy will face, but I do know that America is built to weather any storm. American ingenuity and the engine of capitalism will always rebound, if we will let it.

Mr. President, I yield the floor

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

FISCAL RESPONSIBILITY

Mr. BROWN. Mr. President, I am always both amused and amazed to hear my friends on the other side of the aisle talk about taxes, because they are always talking about cutting the corporate tax rate. They always say our corporate taxes are higher than anyplace in the world. But that is on paper that they are the highest. The effective tax rate, what corporations are paying, is much lower. They know that and we know that.

It is so often a smokescreen. Senator MCCAIN and my friends on the other side of the aisle always want to talk about tax cuts. It is always a smokescreen to cut taxes for the wealthiest Americans while the middle class, again, bears the brunt. The Obama tax cuts are all about the middle class. He wants to cut taxes on people making $30,000 and $50,000 and $100,000 and $150,000 a year.

Certainly people making $300,000 a year can afford a little more, and that is exactly the way Senator OBAMA has looked at it, and the way so many of us have looked at it as well.

We want to get our fiscal house in order. We have seen what happens with President Bush and Vice President CHENEY. We have seen what happens with the Federal budget. We are spending close to $3 billion every week on this war in Iraq. These tax cuts, which have gone overwhelmingly to the richest citizens, have put us behind the eight ball. And we have seen our budget surplus—the day George Bush was sworn in—go to more than a $1 billion a day budget deficit. That is because of tax cuts for the rich. Not for the middle class, tax cuts for the rich. We want to move some of that money to middle-class tax cuts. And as we exit the war in Iraq and we begin to free up money, we want to use that for the domestic needs many of us have talked about.

The real reason I came to the floor, though, was to talk about what has occurred this week, what has happened on Wall Street. I am fairly incredulous that some in this body would still be saying we have too much regulation. It is pretty clear the cowboys on Wall Street and the deregulation of the Bush era—the Bush years—have led us to these problems. Not that this leads us to a Great Depression. I don't believe that. But it has led us back to some of the same kinds of unparalleled

zealous greed on Wall Street which we haven't seen since the 1930s.

But what concerns me is that I remember 3 years ago, in early 2005, George Bush, DICK CHENEY, and JOHN MCCAIN barnstormed the United States and campaigned all over the country for Social Security privatization. They worshipped at the mantle of how important it would be to have these private accounts; that if only people on Social Security invested in the stock market, think how much better off they would be. That was in 2005. Imagine if Bush and CHENEY and MCCAIN, and others around here, had succeeded in that endeavor. Imagine what people would be doing today if we had privatized Social Security. When people opened their statements—if they had private accounts—imagine what they would be feeling today with what has happened in the stock markets.

That, to me, is the biggest contrast between the direction the country is going in now, the direction JOHN MCCAIN and George Bush wanted to take also, and the direction so many senators, such as Senators WHITEHOUSE, MCCASKILL, and others in this body want to take us. Do we want to privatize Social Security, put senior citizens at the mercy of Wall Street? What would happen to their solid, guaranteed Social Security payments? Do we want to do that or do we want to make sure we will protect those Social Security payments?

I can't get Social Security out of my mind this week as I have seen what has happened with AIG, and what happened a few weeks ago with Bear Stearns, and what happened with Lehman Brothers and the stock market, and that we would possibly put people into private Social Security accounts. That is what JOHN MCCAIN wants to do. That is what they tried to do in 2005.

That is why I am so thankful that enough people in this body and in the House of Representatives, where I was in those days—and, more importantly, enough people in the United States, enough citizens—pushed back and said no to the Bush-Cheney-McCain privatization of Social Security. It wouldn't have worked then, and it clearly won't work now. It is a bad idea. It is one of the major issues I think we will see in the fall campaign, this whole idea of privatizing: privatizing Medicare, privatizing Social Security, privatizing the military, and all these contracts that Halliburton-Bechtel have.

Senator MCCASKILL, who will speak in a few moments, has done a great deal of work in trying to root out all the waste and all the illegalities, if you will, in some of these private military contracts. This whole effort to privatize has clearly cost taxpayer money. It has caused great risk for far too many people in Medicare. Thank God we were able to stop the Social Security privatization. If they had had their way in 2005, seniors would be much more worried about the cuts and the decline and the disintegration and the disappearance of their dollars if we had instituted private accounts, coupled with higher gas prices and food prices, and all that we have seen.

So again, I remind my colleagues that they have not given up on their idea in 2005. We know they will try it again. If they have a majority, and if Senator MCCAIN is elected, we know they will try privatization again. It was a bad idea then, it is a bad idea now.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

WORDS MATTER

Mr. ISAKSON. Mr. President, I want to open my remarks by simply stating that words matter. And to the distinguished Senator from Ohio, for whom I have the greatest of respect, I gained a lot of concern yesterday when I heard the words used in so many speeches given on the floor, especially at this disconcerting time, when the American public is so worried about our marketplace and our financial markets.

As Members of the Senate, I think it is very important we be conscientious, that we be positive and prudent in every word we use. Words matter. We have seen a savings and loan in California fail because words got out that there might be a failure and it became a self-fulfilling prophecy. We have seen things happen in the economy in large measure that were reactions to words that were said which should not have been said at all.

In making that statement, I am going to make a speech about what is happening right now on Wall Street and about our role in the Senate, and I will remember the admonition I gave that words matter. The words I want to use are words that I think are in the best interests of the people of the United States, but more importantly of this institution.

We can't play this historical blame game and set a precedent for the cause of what is going on in the financial markets today. We have to recognize that we equally, as Republicans and Democrats, have a responsibility to work together and to recognize the things we have done that have contributed to the problem. And I will give some examples.

One of the problems with the American economy today is the deficit of $407 billion, which we will realize at the end of this month when the fiscal year ends. Yes, part of that deficit is because we have been at war. And had we not gone to war, we might be in the throes of terrorism. But that is another debate. But a lot of that deficit is about Federal spending. A lot is about the budget process. As Members of the Senate, we have yet to take up a single appropriations bill on the floor of the Senate, yet in less than 2 weeks, this fiscal year will end. I think it is our responsibility at a time of deficit, at a time of spending difficulties to get that debate to the floor of the Senate and for all of us, Republicans and Democrats alike, to recognize we have a role in what that deficit is.

Secondly, the concerns regarding the financial markets now started back in May and June, when oil prices went to $147 a barrel. We are within a week, almost a week, of adjourning, yet it is patently clear there will be no resolution by Congress to any way forward in terms of domestic exploration or dealing with all the other energy issues out there. Those are two things that, had we been doing them this month and in the months previous, might have helped to ameliorate at least part of the concerns on Wall Street.

So I think all of us, Republicans and Democrats alike, must understand that we share part of the blame as an institution, and not just as one political party blaming the other. It is time for cool heads and prudent minds in the Congress to prevail. Americans are concerned. We should not play politics with their future. By way of example, the previous speaker brought back the entitlement debate of 2005 and the challenge of privatization. We must remember today that the debate we had was about one of the problems that Congress has contributed to, and that is a Social Security system from which we have borrowed all of its trust fund and spent all of its money. Because of the way we have managed the fiscal house of the United States, we will dissipate the trust fund in its entirety by 2043. That is something we ought to be addressing. We can have differences on the way to address it, but to try to stigmatize a sitting President or a future candidate when they were trying to address a problem that we all know exists is not the way to deal with these financial difficulties.

On the question of regulation, I am not so sure it is a question at all of needing more regulation as much as it is a question of using the regulatory powers that we now have to address some of these problems. I will give a couple of examples.

On Wall Street, within the Securities and Exchange Commission, there used to be an uptick rule. And the uptick rule basically was that as the market was going up, you could play the market game with speculation. But if it was going down, you couldn't short sell it. What is happening on Wall Street now is there are a lot of people selling short, and they are selling short to the detriment of the American people but to the benefit of the individuals themselves. That is part of the problem. We should ask the Securities and Exchange Commission to look deeply into regulations that worked in the past and see if they can't bring back the uptick rule to stop what has been an abuse in terms of short selling.

Secondly, I have said on the floor of the Senate three previous times—and I will repeat it today because I believe it strongly, and because I think it is more true now than ever before—a significant contributor to the problems we

are facing today is an absence of transparency and accountability on behalf of investment banking. The subprime securities that were created on Wall Street, and were rated investment grade by Moodys and Standard & Poor's, are the fundamental foundation of these financial collapses not just in the United States but around the world because those securities were bought as capital basis for many of the lending and financial institutions.

As we look to the future, and the recovery which we will see—because America always recovers—it is important that we never allow something like the securitization of high-risk paper and rating as investment grade to ever happen again without some level of transparency and an absolute level of accountability on behalf of the institution.

I want to tell a brief story, only for the purpose of letting people know what a small world we live in and how our words matter and the consequences to our actions. I traveled to Kazakhstan in August with the majority leader, Senator REID. It was an educational trip of immense benefit to me, and I think of immense benefit to the country, in terms of what we did. Kazakhstan is a country of 16 million people with the largest find of oil in all of Asia. It is a wealthy country that built its capital city of Astana from scratch 10 years ago.

When we landed in Astana and left in a vehicle provided by the embassy and drove into town, there were landscaped gardens, beautiful buildings, gold-domed mosques—obviously, the best of everything because of the wealth they had.

But I noticed something interesting. I counted 17 buildings, midrise and high-rise, partially completed, cranes up, with nobody working. When we got to the embassy I asked our ambassador when he said, Are there any questions: Is there a holiday?

He said: No. Why do you ask?

I said: Nobody is working on all these unfinished buildings. Why is that?

He said: The U.S. subprime mortgage crisis.

I said: I don't understand.

He said: The bank of Kazakhstan bought a bunch of the subprime securities in the United States, and when Merrill Lynch wrote their portfolio down to 22 cents on the dollar, the bank of Kazakhstan did the same thing. And when they did, they had to stop funding construction and stop funding mortgages.

If we do not think we live in a small world, if we don't understand the consequences of our words and the policies that are initiated in terms of our financial products, we have another thought coming.

Last, I compliment the Congress and use as an example the housing bill, where we have the power to address and strengthen our economy. In July, this Senate passed, by a vote of what I remember to be 83 to 14—it may have been slightly different—a bipartisan housing bill that did a number of things: It modernized FHA, raised loan limits, provided a refinance mechanism for subprime loans rather than foreclosure, but also answered the question of Freddie and Fannie and provided an opportunity for the Secretary of the Treasury and the Federal Reserve to address Freddie Mac and Fannie Mae should those institutions get in trouble.

While we were gone in August they got into trouble. They got in trouble in part because of their own doing but in trouble in part also because of a lack of confidence. If we had not passed that bill that allowed Secretary Paulson to come in and stabilize Freddie and Fannie, the source of mortgage money for the people of the United States of America, the problems we are experiencing now are nothing compared to what would have happened.

Our actions matter and our words matter. We should be careful to understand that in a time of uncertainty in our financial markets and of concern by all Americans, rich and poor, Republican and Democrat, our words matter. We should work diligently to give people confidence in our system of government and our financial system, provide the intervention and the appropriate aid while necessary but not overregulate or stigmatize a system that has worked for the better part of two and a quarter centuries.

I love this country, and I appreciate the people I represent. I suffer as they do today with the uncertainties in the financial markets. I hope all of us will commit ourselves to do those things within our grasp to see to it that we have a sounder economy, a sounder dollar, and a sounder America. Let's do our appropriations. Let's have an energy policy that works. Let's look at those positive things that have happened in the past on Wall Street that can bring back a level of accountability and transparency that are absolutely essential in the United States of America.

I yield the remainder of my time.

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

THE ECONOMY

Mrs. MCCASKILL. Mr. President, I would like to talk about what is going on in our economy right now. I think it is important that we point out a couple of things at the outset.

First, I had the opportunity yesterday afternoon to spend some time with some great community bankers from my State. They said something to me that really resonated, and that is: I don't think we have done enough to tell America the difference between deposit banks and investment banks. There are a whole lot of folks I represent right now who are nervous. My sister caught her mother-in-law with cash in her pillowcase this week.

The reason they are nervous is, frankly, a lot of them don't understand that the problems caused here were not because of deposit banks. Deposit banks are highly regulated. Deposit banks have both State government and Federal Government looking over their shoulders every single day. Deposit banks are fine in the United States of America—partly because of appropriate regulation and oversight by State and Federal Governments. And they are insured. Every account in America that is in a deposit bank is insured by the Federal Government for up to $100,000.

In fairness to all those great community banks and the banks in my State that have used sound business practices, that have not let greed be their watchword, that have served their communities well, let me reassure all the people who bank at those great banks that they can take a sigh of relief today because the problem we have in our economy is not with deposit banks.

Let's step back and see what has happened. There are three things that have happened. No. 1 was massive deregulation of exotic financial instruments in investment banks and insurance companies. No. 2, there was a huge amount of greed. And, No. 3, no one was watching out for the taxpayers.

I heard my colleague from Georgia talk about short selling and naked short selling and saying we need to tell them to enforce the law.

Think about that for a minute. We need to tell somebody to enforce the law as it relates to trading? I heard just an hour ago that today the SEC is going to enforce naked short selling rules. Naked short selling—it would take longer to explain than I have this morning, but suffice it to say, it is wrong and bad because when you are hedging, when you are long selling and short selling, you need to take delivery. That is how this works. There are rules against naked short selling, but they were not enforced.

They are enforcing it today. Why wasn't it enforced last week? Why weren't the rules enforced the week before? Why weren't the rules enforced last year? They didn't want to. It is pretty simple. Nobody wanted to enforce the rules. Why not? Because the titans of Wall Street were in charge. The titans of Wall Street have had their way with this White House.

Facts are stubborn. If the law is on the books and this administration is not enforcing it, they need to explain to the American public why the taxpayers are now on the hook for hundreds of billions of dollars because these guys didn't think it was important to enforce the rules against their friends.

Credit default swaps is another exotic financial instrument that came in vogue after the massive deregulation of this administration. It was made possible by the deregulators.

Here is the thing that is killing me—it is just killing me. All of the folks

who have been screaming: Deregulation, get government off our backs, evil government off our backs, big bad government off our backs, deregulate, deregulate, deregulate—in the last 24 hours there has been—do you remember the transformer toys that went from an animal to a massive machine? We have transformers around here. These massive deregulation advocates all of a sudden say: We have to enforce rules on Wall Street. We have to regulate.

Come on. Do you think we are dumb? You can't transform overnight from a big bad deregulator to I am now the cop on the beat; I'll take care of Wall Street. It is not honest. Be principled. If you are a deregulator and you want to live with these consequences, you want to say to the American people: Hey, when we deregulate, this is the risk. This is the risk we are taking with your money.

They are going after the status quo. Many of my friends on the other side of the aisle, they are fighting the status quo. Guess what. They created it. This was their plan. It didn't work. It didn't grow our economy. It didn't create our jobs. American families, for the first time in our history, have gone down in terms of their average income. For the first time in our history America is not growing. Our prosperity is not growing.

Senator Phil Gramm marshaled through the bill that allowed investment banks and insurance companies to run wild. I have Missouri families who have lost jobs. I have a lot of autoworkers who are losing their jobs in Missouri. One of the things that is hard—one of Senator MCCAIN's economic advisers, Senator Gramm, did this massive deregulation. We have another one who was a CEO of a major corporation who walked away from a company with $42 million in her pocket. Because she did well? Because she got that company to the stratosphere? No. She was fired. The board of directors fired her and then gave her a $42 million payday.

I have to tell you, in Missouri that doesn't compute. It just doesn't compute. When you lose your job because you haven't done a good job, you should not get paid for it. I know I am offended at the notion that any of this taxpayer money is going to go to multimillion-dollar payouts to anybody who ran any of these companies. It is one of the things we have to pay very close attention to because now that taxpayer money is on the line, we have to make sure it is spent appropriately.

CEO salaries are out of control in this country, and it is not a matter of being competitive. It is not that we have to pay our CEOs so much more because everybody else is. Right now in America a CEO is making 40 times the average worker's salary. Do you know what it is in Japan, one of our competitors? Ten times. It is only ten times.

I want to mention Social Security because my colleague from Georgia mentioned Social Security. I want everyone to dwell just a minute on this notion. At the same time Senator MCCAIN, Senator Gramm, and many others were saying deregulate, deregulate, what else were they saying? The future of Social Security depends on privatization. Privatization of Social Security was our ticket to the promised land for stability in the Social Security Program. Think about that today. Think about what that means today, yesterday, Monday. Think about the consequences. We need to realize we have to learn from our mistakes. We have to fix what is broken and, for gosh sakes, we cannot talk about privatizing Social Security on Wall Street right now. I am hopeful this will be a wake-up call to all those people who advocate the privatization of Social Security.

They say: Deregulate, get government off our backs, free market, lax enforcement, big government, bad government, deregulate, deregulate, get government off our backs, big government, bad government—until their friends get in trouble. Do we have a free market with oil? No, we don't have a free market for oil. We subsidize oil companies. Do we have a free market for the pharmaceutical companies? No, Medicare D was a huge profit subsidy for drug companies in this country. Do we have a free market for Wall Street? No, we are rushing in to save them.

When their friends get in trouble, who comes to the rescue? Who comes to the rescue when trouble arrives at the doorstep? The taxpayers of the United States of America, and that, in fact, is the rub.

What we have to have is reasonable regulation. We have to enforce our laws—both our competitive laws and our regulatory laws—and we have to make sure now that we watch the taxpayer money and make sure not a dime of it goes to a payout to anybody who doesn't deserve it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I rise today to speak about the American economy. I think most of us are talking about it. Most everybody is thinking about it. With the financial markets in turmoil, the confidence of investors and consumers across my home State of Missouri, the Nation, and the globe is being challenged. Most of the media focus is on the struggles in Wall Street. My concern is for American families, anxious about their security, the security of their savings, their retirement, their assets, and their pensions.

I was disappointed to see that Leader REID, just a day or so ago, said no one knows what to do at the moment. There are steps taken in an emergency matter. The fire department in this matter has been the Federal Reserve and the Treasury. We will look at and evaluate their judgment, but it appears they have at least stemmed the tide at this point.

But there are a lot of things that we ought to be talking about doing now. There are changes that need to be made. There are changes that need to be made in regulation, there are changes that need to be made by legislation, there are changes that need to be made in attitudes.

If you want to get into the blame game, I assure you there is plenty of blame to go around. This concept, the original concept of government-sponsored enterprises, well, that is one that certainly got off the track. My colleagues on both sides of the aisle sponsored GSEs. But they got themselves trapped way out in financial derivative speculation and got outside their charter. The regulation was inadequate. There are some of us who called for a strong regulator. Others who were defending the GSEs said: No, no, no, we like having an ineffective regulator. There are a lot of examples of that. But this is not the time to point fingers. The American people want solutions because these are serious and difficult times for everyone. As I said, families are worried about their personal finances and savings.

American families are already struggling with the housing crisis as well as high energy prices, which lead to food and other cost increases, as well as health care and education. Those have to be foremost in our minds. I understand. I have listened to the people in my State. I have heard their concerns.

These families need to know that the country's leaders take their concerns seriously and are working together to make the right response to this crisis. We have to instill confidence in the public that our actions are also driven by the best interests of taxpayers so they and future generations are not saddled with debts driven by unnecessary bailouts and that Government has a plan to avert similar future crises. To instill confidence, we must show true leadership and, I would hope, put aside the politics of blame and partisanship. We have had enough of that already. The American people have had too much of that. Enough. That ought to be it. Leadership should be about bringing people together and coming up with real solutions driven by the best interests of our families and country.

Leadership is needed now more than ever. I call for my colleagues in the Senate, the House, the administration, the SEC, the Federal Reserve, and others in the public and in the private sector to come together to share ideas and discuss them.

Let me share some of the ideas I laid out in a letter I sent out yesterday to Treasury Secretary Henry Paulson, SEC Chairman Chris Cox, Federal Reserve Chairman Ben Bernanke, and the House and Senate chairmen and ranking members of the Banking Committee, because everybody needs to be in it.

First, we must all recognize that America's financial system is struggling under the weight of greed, laced

with regulatory loopholes, and compromised by complexity. Only fundamental reform of those excesses will prevent abuse from returning. We need reform to provide greater oversight, transparency, and accountability so that our economy, housing system, and consumers are adequately protected. The status quo is clearly unacceptable, and taxpayer-funded bailouts are not the answer. It is time that we reform our antiquated regulatory system to close loopholes to prevent the same type of problems we are currently experiencing, by taking a number of actions to address our regulatory system, ensure better market stability, and protect consumers.

Regulation needs to be carefully considered because there are very strong arguments that some of the problems today where some of the major institutions were put in a trap are the result of the post-Enron wave of trying to make everything bad illegal. Mark-to-market accounting was one of the things that has been instituted well depending upon how you apply it when you are in a meltdown. Right now, the value of a house covered by a mortgage may have declined 10 to 20 percent. But if nobody is buying that mortgage, if there is no market today for that mortgage, it might be marked to zero—to zero—when, in fact, the real value is probably no less than 75 or 80 percent. That puts a hit on the balance sheets, and that has repercussions throughout the system. That may be part of the cause. We need to look at that.

We need to see if excessive regulation in mark to market has put businesses at risk that should not be at risk, that should not be pushed into bankruptcy. Just as the Sarbanes-Oxley bill, designed to curb excesses—which were actually punished under existing law—has driven many of our financial institutions offshore, we have to be concerned about what the impacts of the regulations are. But I firmly believe that corporations must be held accountable for their bad decisions.

Similarly, we must find a way to prevent the use of golden parachutes to reward executives for their failed leadership. I think we were all outraged to hear the golden parachutes that were going to be given to the leaders of the GSEs who had been responsible for their institutions being wiped out essentially and put into conservatorship. I do not want a single taxpayer dollar going to pay them bonuses. If a baseball manager does a bad job, he gets fired. When we have a bad job being done by a financial institution head, the taxpayers sure ought not be called on to give that executive millions of dollars in a golden parachute.

But we also must find a way to restore personal responsibility in society. Responsible investors have an obligation not to enter into investments they do not understand. Responsible private citizens have an obligation not to take on debt they cannot afford.

Mortgage brokers should no longer receive special treatment allowing them to escape regulation and licensing requirements standard for brokers of other financial products. The Treasury's Regulatory Blueprint issued last March contains many positive recommendations, such as the creation of a new Federal commission, the Mortgage Origination Commission, which I support. I plan to introduce legislation to establish the Mortgage Origination Commission.

The Federal Government must step up its efforts in financial literacy and education, and pre- and post-purchase housing counseling. Most borrowers made responsible decisions in selecting appropriate financing vehicles for purchasing their homes and other major assets. Unfortunately, a large number of borrowers either knowingly or unknowingly agreed to loans that were detrimental to their families and their credit.

Mr. President, I stand ready to work with my colleagues here in the Senate on working on real solutions so that our Nation has confidence that we are here for them.

We have talked about the American dream. There are some who, in the name of the American dream, have pushed home ownership on people who could not afford it. Clearly, home ownership is part of the American dream, and in assisting families and individuals, we should do all we can to achieve that. I have worked for that as lead appropriator on housing on this side of the aisle for many years.

However, we have seen that American dream become the American nightmare when people have been given too-good-to-be-true offers for mortgages and asked to take on mortgages that consume all of their available income.

Well, I will tell you something, having a little experience in owning homes. Along with home ownership comes some potential financial responsibilities. A couple of weeks ago, we had to have our basement pumped out. That costs a lot of money. In the winter, I have had furnaces go down, or if we have a family emergency, that may make the mortgage payments unaffordable. We must ensure that, to the greatest extent possible, people understand that the benefits of home ownership are balanced against the risks and the costs to the homeowner, the neighbors, the communities, and even the financial marketplaces. Home ownership must be promoted, not on the basis of getting the number of homeowners up to an arbitrary level but in a responsible manner focusing on the best interests of families and not on investors or others pushing mortgages.

You can live in rental housing until you have the funds to buy a house. I have lived in rental housing. Many people live in rental housing. Before you decide to buy a home, if you are not financially well experienced, there are a lot of good counseling concerns around that can help you determine if you can buy a home and help you determine how much you can afford to pay and what kind of mortgage you can afford to take on.

I worked with Senator DODD last year to get $180 million for counseling for homeowners facing foreclosure. Well, that is working, and we are seeing a tremendous need for that counseling. I have visited with homeowners being counseled by housing counselors, with housing advocates, with community leaders, local officials who are worried about their communities going down, and the one thing every one of those people say is: We need counseling not just at the time of possible foreclosure but before they purchase the house so they do not get in the crack of foreclosure.

Well, I think we have to strengthen the oversight, the regulatory oversight of the housing finance market. The creation of a new regulator with more expansive powers to oversee the two mortgage government-sponsored enterprises, Fannie Mae and Freddie Mac, if they continue to exist, was a long overdue and necessary step.

While the importance of making this legislative change cannot be understated, I emphasize the critical need to ensure that the new regulator not repeat the same mistakes made by its predecessor. That regulator did not examine, did not look at the practices, did not call attention to the practices that the GSEs were engaged in, which may have provided some short-term profits to their shareholders and certainly healthy returns for their executives, but they failed to identity and said that these were sound operations.

Mr. President, I ask unanimous consent to have the letter I referred to earlier printed in the RECORD.

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

SEPTEMBER 17, 2008.

Hon. HENRY PAULSON, Jr.,
Secretary,
Department of the Treasury.
Hon. BEN BERNANKE,
Chairman, Board of Governors,
The Federal Reserve.
Hon. Chris Cox,
Chairman,
Securities and Exchange Commission.

DEAR SECRETARY PAULSON, CHAIRMAN BERNANKE, AND CHAIRMAN COX: America's financial system is groaning under the weight of greed, laced with regulatory loopholes, and compromised by complexity. Only fundamental reform of these excesses will prevent abuse from occurring again. Thank you all for your leadership in these uncertain times. As a long-time participant in housing policy and oversight issues, I offer my assistance in the hard work of reform that is too often left undone after the crisis recedes.

This week's turmoil in the financial market is the latest in a series of events that has shaken the confidence of investors and consumers throughout the nation and the world. While the media focuses on the struggles of Wall Street, my concern is for American families anxious about the security of their savings, retirement, assets, and pensions. These American families—already struggling with a housing crisis and high gas, food,

health care and education costs—must be foremost in our minds as we address the credit crisis. Our actions must be driven by the best interests of the taxpayers so that they and future generations are not saddled with debts driven by unnecessary bailouts. The public must know their government has a plan to avert similar future crises.

Any reform must provide greater oversight, transparency, and accountability so that our economy, housing system, and consumers are adequately protected. The status quo is unacceptable. Taxpayer-funded bailouts are not the answer. Loopholes in our antiquated regulatory system must be closed to prevent the same type of problems that we are currently experiencing.

CORPORATE AND PERSONAL RESPONSIBILITY

Excessive greed and abuse call for greater accountability at all levels of government and private life. We must end the troubling cycle of rewarding corporate failure with taxpayer-funded bailouts. Corporations must be held accountable for their bad decisions. Executives should not be rewarded with golden parachutes for their failed leadership. We must also restore a sense of personal responsibility in society. Investors have an obligation not to enter into investments they do not understand. Private citizens have an obligation not to take on debt they cannot afford.

STRONGER REGULATOR OVERSIGHT

We must strengthen regulatory oversight of the housing finance market. The creation of a new regulator with more expansive powers to oversee the two mortgage government-sponsored enterprises—Fannie Mae and Freddie Mac—was a long overdue and necessary step. We must also ensure that the new regulator—the Federal Housing Finance Agency (FHFA)—not repeat the same mistakes made by its predecessor—the Office of Federal Housing Enterprise Oversight (OFHEO). It is critical that FHFA have adequately-skilled staff and strong, competent leadership. OFHEO leadership delayed issuing risk-based capital standards and consistently stated that the enterprises' financial condition was healthy, and adequately capitalized to continue meeting America's housing needs. They were wrong on all counts.

OVERSIGHT OF ALL MORTGAGE ORIGINATORS

In addition, I support Treasury Secretary Paulson's efforts to address gaps in mortgage origination oversight. The mortgage brokers who originated many of the subprime and Alt-A loans that are major sources of the housing crisis were not subject to adequate federal oversight. Mortgage brokers should no longer receive special treatment allowing them to escape the regulation and licensing requirements standard for brokers of other financial products. The Treasury's Regulatory Blueprint issued last March contains many positive recommendations, such as the creation of a new federal commission (the Mortgage Origination Commission). I will introduce legislation shortly to establish the Mortgage Origination Commission and ask for your support in moving this legislation through the Congress.

ELIMINATING ABUSIVE SHORT-SALE PRACTICES

Excessive speculation that asset prices will fall, or ''short-selling,'' is artificially destroying the value of investments and companies. Actions to consider curtailing short-selling abuse include reinstating the ''uptick'' rule and protections on short sales. The uptick rule was established back in 1929 to provide stability to the marketplace. The SEC eliminated the uptick rule last year. Some experts believe that the elimination of this rule has contributed to the volatility in the stock market and the record levels of shorting. Accordingly, the SEC should reexamine its decision and reinstate this important rule. The SEC is now in the process of finalizing two rules to strengthen protections against short-selling. They should finalize these rules as quickly as possible and strongly enforce regulation of ''naked short sellers.'' Other experts believe that mark-to-market accounting regulations need to be reviewed to see if they have been inappropriately applied. I urge you to review mark-to-market and to recommend any needed changes. We must also increase oversight of hedge funds to assure transparency, accountability, and avoidance of abusive practices.

CONSUMER CONFIDENCE AND FINANCIAL EDUCATION

The Federal government must step up its efforts in financial literacy and education, and pre- and post-purchase housing counseling. Traditionally, borrowers have made responsible decisions in selecting appropriate financing vehicles for purchasing their homes and other major assets. Unfortunately, in recent years a large number of borrowers either knowingly or unknowingly agreed to loans that were detrimental to their families and their credit. To address this problem, I recommend that you aggressively promote financial literacy and homeownership counseling to consumers and promote greater transparency in the loan process by reforming the Real Estate Settlement Procedures Act (RESPA).

Confidence in our financial markets is being severely challenged during these difficult times. As the Federal government's financial leaders, your commitment to address the regulatory structure and educate consumers will be critical not only to guide our nation out of this economic downturn, but to mitigate future crises. While regulatory reform and additional resources for counseling and financial literacy are needed, we should also rethink our policy emphasis on homeownership. Homeownership is the linchpin of the American Dream. Assisting families and individuals achieve that dream should continue. However, we must ensure that the dream does not become a nightmare. Housing policy must be re-examined so that the benefits of homeownership are appropriately balanced against its risks and costs to homeowners, neighbors, communities, and the financial markets. Homeownership must be promoted not on the basis of increasing the homeownership rate to an arbitrary level, but in a responsible manner that focuses on the best interests of the individual and family, and not on investors.

The leadership you have shown during this financial crisis is commendable. Now we must work together to bring about further reform to financial and housing markets. Thank you in advance for considering my suggestions. I look forward to working with each of you to restore Americans' trust in their financial institutions and in their government.

Sincerely,

CHRISTOPHER S. BOND,
U.S. Senator.

The PRESIDING OFFICER (Mr. BROWN.) The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, as we speak, people are losing their jobs, losing their homes, and often losing the hope that their situation will improve anytime soon. According to many, the worst may yet be ahead of us. For the first time in generations, we Americans can no longer promise our children they will be better off than we are. That prospect strikes at the very heart of the American dream.

In less than 2 months, Americans will elect a new President who will inherit an economy indelibly marked by the negligent and incompetent decision-making of the Bush administration. No matter what one Presidential candidate may think, the fundamentals of our economy are far from strong. Our economy is off the rails. I believe it is important to take a few minutes to consider how it got dragged off the rails and, more importantly, what must now be done to restore Americans' faith in our economy and put our country back on more solid fiscal ground.

President Bush's successor, whoever he may be, will confront four serious problems: an out-of-control financial market, a staggering Federal debt, a looming crisis in health care costs, and an increase in Social Security obligations.

For the past 8 years, the Bush administration has preached over the financial markets a gospel of uncontrolled deregulation. Simply leave the banks and the financiers and the lenders to their own devices, they said, and all will be well.

Well, all is not well. Markets are places where people come to make money; they do not come for altruistic motives. And some are clever enough when they come to those markets to try to rig or game the market in their favor, to gain monopoly power, to hide information, to cheat, to create special advantage—in short, to find a way to gull the suckers. Markets need to be defended against that age-old risk. Markets have to operate honestly, transparently, and reliably. That is where regulation comes in. That is how markets are defended against crooks and schemers. That is why we have an FTC, an SEC, a CFTC, a FERC, to keep markets honest. Special interests constantly seek special advantages, and it is the regulators' job to push back. In that constant struggle of the special interests against the regulators, the Bush administration always took the side of the special interests. They have systematically undercut the regulators in their efforts to keep markets safe. And now here we are.

Senator MCCAIN has been against the regulators, even back to the savings and loan scandals of the 1980s. The schemers, the manipulators, the Enrons, the subprime mortgage packagers, the oil market speculators, the credit default swap artists—they all found a friend in the Bush administration. They all found an ally in the Bush-McCain policies of deregulation. And now here we are.

Under an administration that cared more about protecting big investors than protecting consumers, one might expect that at least the stock market would have thrived. But after 225 percent growth during President Clinton's 8 years in office, the stock market now hovers just about where it stood in 2001, when President Bush took office. Instead of growing by leaps and

bounds, as we in America have come to expect, under the Bush administration, our economy stood still. I ask my colleagues: Would investors prefer 225 percent growth and then paying a responsible capital gains tax, or would they prefer having big fights about what the capital gains tax rate should be while nobody makes any money? There is a lesson here. Bad economic policy is not cured by mindless tax cuts. Anybody in their right mind would rather be here than here, if they are in the market.

The month George Bush became President, the Congressional Budget Office, the nonpartisan accounting arm of Congress, projected we would see surpluses straight through the decade. These budget surpluses, the product of President Clinton's responsible governing, were projected to be enough to completely wipe out our national debt by 2009—to completely wipe out the national debt by 2009. Instead of maintaining the surpluses and paying down the national debt, President Bush chose tax cuts for the wealthiest Americans, a war he wouldn't pay for, and bad economic policies to amass a mountain of debt that he will leave to the next generation.

This chart shows the difference between the budget left by President Clinton and the one President Bush created. The difference between the two lines, this red area, is the measure of the cost of the Bush Presidency. The difference between the surpluses left by President Clinton and the deficits run by President Bush and his Republican enablers in Congress is a staggering $7.7 trillion. Perhaps the more tangible number is $260 billion, the interest we will have to pay next year on this Bush debt, $260 billion in interest, much of it to foreign nations such as China and Saudi Arabia that do not have our best interests at heart. If we could have used that $260 billion that we now need to pay interest on the Bush debt for other national priorities, here is what we do could have done: fixed almost every unsound bridge, doubled enrollment in Head Start to help kids get ready for school, doubled all Pell grants to help kids get access to college, and provided every American with health insurance—all of it. That is how big $260 billion is, and that is what we are blowing on the Bush debt.

The nonpartisan Congressional Budget Office recently estimated that the national debt will go up by another $2.5 trillion over the next decade. The next administration is going to have to figure out how to deal with that mountain of debt. I think we need a Bush debt repayment authority to study the possibility of bringing the Bush debt off budget, to handle it responsibly, to remind the American public what this Presidency has cost them, to pay the Bush debt down responsibly over time. But we must do something.

In addition, as the baby boom generation reaches retirement, we also face a tidal wave of health care costs that threatens to drown the Treasury and force unthinkable choices about health care for the citizenry. According to an analysis conducted by the nonpartisan Government Accountability Office, we have $34 trillion in unfunded future Medicare liabilities alone. That is unsustainable. And the longer we wait to reform the system, the worse it will become. President Bush has wasted the better part of a decade standing idly by as this problem exploded, as health care costs grew and opportunities for reform came and went. Time is not on our side. The need is pressing, and we have spent 8 years making no progress at all.

I have said over and over on many occasions in this Chamber that our health care system needs fundamental change. I will not pursue that point at this juncture, but let me say, our health care system is itself broken. It delivers unsatisfactory results at vast expense, and we need to fix it.

As we prepare for a new administration, we need to prepare for the wave of health care costs coming at us. Systemic reforms—a health IT infrastructure, payment reform, major quality improvements—must be at the heart of that effort.

Finally, the next administration must grapple with the challenges of Social Security. As with all these issues, the choice of President will make all the difference. Senator OBAMA will ensure that Social Security remains a strong bedrock of retirement security for generations to come. But Senator JOHN MCCAIN supports privatizing Social Security, putting it in the stock market. This is an important point. Senator MCCAIN and his Republican allies prefer to invest seniors' Social Security funds in the stock market that just dropped by 500 points the day before yesterday and another 450 points yesterday, the very same stock market that stagnated through the entire Bush Presidency while costs and prices rose by double digits. That is not a solution. That is more of the same problems.

As for the blame game, which I have heard a bit about on the floor this morning, it is bad enough that bad economic policy caused this preventable disaster. It is worse if we should fail to learn its lessons. I can understand why the proponents of the economic theories that brought us here don't want that talked about, but it would be wrong and irresponsible not to learn from this disaster. It was preventable. We made mistakes. It was economic folly that brought us here and regulatory irresponsibility. To now allow that entire lesson to pass would be an added shame for our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I thank my friend from New Hampshire, Senator JUDD GREGG, for allowing me to speak, rather than going back and forth. I ask unanimous consent that he be recognized following my remarks.

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

Ms. STABENOW. Mr. President, I rise to discuss the recent collapse in the financial markets and the Republican economic policies that have brought us to this point.

On Monday, Lehman Brothers filed for the largest bankruptcy in American history. This collapse will hurt hard-working Americans' ability to access credit and could deteriorate their pension plans. For example, the city of Detroit's general retirement system that had invested in the bank could lose up to $25 million.

Can you imagine what would have happened if Social Security had been privatized?

This failure occurs as Bank of America announced that it was buying Merrill Lynch and the Federal Reserve announced it was taking over the world's largest insurer, AIG, for the staggering cost of $85 billion. Washington Mutual is still struggling to survive their investments tied to the mortgage market.

As a result of these events, the Dow Jones dropped more than 500 points on Monday—the biggest drop since September 11, and Wednesday it dropped almost 450 points.

These announcements come as middle-class families face the highest unemployment rate in 5 years, record home foreclosures, and skyrocketing gas and grocery prices.

Despite these conditions, our colleague, Senator MCCAIN responded that ''the fundamentals of our economy are strong.'' I would like him to tell that to the 84,000 Americans who lost their jobs, or the 91,000 families who lost their homes last month, or the 605,000 Americans who have lost their job since January.

And now, Senator MCCAIN's solution is to create a commission to study the problem. Middle-class families don't need a study to tell them that we're in an economic crisis.

They see it every day when they try to fill up their gas tanks or put food on the table.

They have known it for the past 8 years, as they have watched jobs sent overseas and their pensions disappear.

Unlike Senator MCCAIN's economic adviser, Phil Gramm, middle-class families don't need a study to tell them that this isn't a ''mental recession.'' What they need are real economic solutions and not 4 more years of the same failed economic policies.

So one of the question I know Michigan families have is, how did we get here? Unfortunately, these failed policies go back for some time.

One example can be seen under the Republican Congress, when MCCAIN's former economic adviser Senator Phil Gramm slipped a provision known as the ''Enron loophole'' into the 11,000-page appropriations bill on a Friday night before recess.

This provision allowed financial institutions to trade an unlimited amount of energy commodities on dark, over-the-counter markets that

are beyond the jurisdiction of the Commodities Futures Trading Commission.

Only now, with Democrats in the majority, are we seeing any accountability as we closed the Enron loophole. However, trading on the bilateral swaps markets and the electronic trading facilities are still conducted on these dark markets with no transparency or regulation.

The Commodities Futures Trading Commission only has the power to get information on these markets on an ad hoc basis so speculative investors continue to pour money into the markets without any oversight.

Yet Republicans continue to oppose providing more authority and resources to the CFTC.

Authority that would allow necessary regulation of our commodities markets and protection against manipulative behavior that could influence the price of food and gas for every American.

This just reiterates the failed philosophy of President Bush, JOHN MCCAIN and Republican economics that believe in less oversight, less accountability—more greed—at the expense of American families.

Nowhere is this seen clearer than what is happening in the housing market— the root of our current crisis. The lack of regulation and oversight by the Bush administration allowed for predatory lending to flourish.

In 1994, Congress gave the Federal Reserve the authority to prohibit these unfair and deceptive lending practices. The Fed waited 14 years before implementing regulations.

Senators SCHUMER, Sarbanes, and DODD introduced legislation to protect homeowners from predatory lending. No Republicans cosponsored these bills.

Then in 2004, despite warnings, the Fed actually promoted nontraditional mortgages over fixed-rate mortgages, resulting in the skyrocketing use of ARM and subprime mortgages.

In 2006, regulators finally finalized rules over nontraditional mortgage products, but it did not apply to subprime mortgages.

The Democratic-led Congress held oversight hearings, spoke out time and time again, and yet the administration still sat back and did nothing.

In 2007, the Treasury was still downplaying the subprime crisis by explaining that it was ''largely contained'' and admitting they ''could have done more sooner.''

The Republican philosophy of no public accountability and unlimited greed created markets where these risky mortgages, that they promoted, were packaged and sold as complex debt securities without any oversight. Then, without any regulation, credit rating agencies were allowed to inflate the value of these complex securities and assign triple-A ratings despite their inherent risks.

Greed continued to fuel the vicious cycle until our financial industry was completely entangled in these risky securities.

When homeowners defaulted on their loans, it sent ripple effects throughout the entire economy, bringing down the large banks that had invested in the mortgage market, such as Bear Stearns and Lehman Brothers.

Time and time again, Democrats have tried to enact changes, but every attempt has been blocked by Republicans.

In 2005, the House of Representatives passed a bill that would have created a new regulator to oversee government sponsored enterprises—providing the authority to set capital requirements and limit portfolio size.

When I was on the Banking Committee, we worked to enact this legislation, but we were blocked by the Bush administration.

This session Democrats introduced legislation to strengthen regulation over government sponsored enterprises, to keep families in their homes and help communities struggling with foreclosures.

Republicans opposed this legislation and, while more families lost their homes to foreclosures, they continued to block the bill for months.

Only after Fannie and Freddie reached the point of crisis did the administration finally lift their opposition, further highlighting the inherent problems with the Bush/McCain economic philosophy—it is always too little too late.

Now while Republicans have let the markets ''work it out,'' small businesses and families are faced with tightening credit markets, job losses, increased foreclosures and a loss of confidence in our economy.

Each of these examples shows the fundamental failures of the Bush/McCain economic policies. Policies that are based on greed as a national virtue and high profits at any cost. Policies that send American jobs overseas while increasing tax breaks for big oil.

Our economy cannot take another 4 years of this failed policy; American families cannot take another 4 years. Out country can do better. It is time for a change.

We are in a very important discussion right now, not only about what we need to do together to move our country forward, but it is important to talk about how we got here, because how we got here matters. Critiquing the philosophy that got us here matters, if we are not going to repeat it in the future. When we sum it up, when I look at what I call ''Republican economics 101,'' it is more deregulation. We heard it again today. I heard it from one of my colleagues today, the problem with all of this is that we need more deregulation, more deregulation. Lack of accountability, I call it, lack of transparency. More home foreclosures have come from Republican economics 101, more jobs lost, more tax breaks for the wealthy. That seems to be the answer to everything: Lose your job, let's have another tax cut for the wealthy. Lose your house, let's have another tax cut for the wealthy. Can't pay for gas at the pump? How about another tax cut for the wealthy. Financial markets exploding? Let's have another tax cut for the wealthy. That seems to be the mantra of the Republican economics 101 theme. More excessive profits for oil companies which have translated into $5 at the pump.

The bottom line is, we don't want more of the same. That is why it does matter how we got here. We do not want more of the same. The American people cannot take more of the same. Enough is enough. That is certainly what the people in Michigan are saying.

Let me specifically speak to what has occurred this week. On Monday, Lehman Brothers filed for the largest bankruptcy in American history. This collapse will hurt the people of Michigan, hard-working Americans' ability to access credit, and could very well deteriorate pension plans. For example, we heard yesterday the city of Detroit's general retirement system that has invested in the bank could lose as much as $25 million. I am sure that is only one example. Imagine what would have happened if President Bush had succeeded, with JOHN MCCAIN's support, in privatizing Social Security. I will never forget what happened after Enron, when I had former employees come in to me who had lost everything, trusted the company, invested in the company, lost everything. They said: Thank God for Social Security. It is the only thing I have left.

Imagine if the Republican philosophy of privatizing had happened. One of the things I am most proud about in working with our Democratic leadership and our majority is we were totally together in blocking the President from proceeding. It was one of the most important achievements as a Democratic majority, stopping the President, JOHN MCCAIN, and others who wanted to privatize Social Security. We now know that the failure of Lehman Brothers occurred as Bank of America announced it was buying Merrill Lynch and the Federal Reserve announced it was taking over the world's largest insurer, AIG, for the staggering cost of $85 billion. Washington Mutual is still struggling to survive their investments tied to the mortgage market. As a result, we have all seen the Dow Jones drop more than 500 points on Monday, the biggest drop since September 11, 2001. Wednesday it dropped almost 450 points.

Most importantly is how this affects families, how it affects middle-class Americans who are working hard every day. They are playing by the rules. They expect our Government to enforce the rules and enforce accountability. They are being hit with the highest unemployment rate in 5 years. It went up again yesterday, unbelievably, to now in Michigan an 8.9 percent unemployment rate. That doesn't count people who have been unemployed so long they are not a part of

the system anymore, or the people who are working one job, two jobs, three jobs, part-time jobs trying to hold it all together, hoping maybe one of them will have health insurance, maybe just one of them, for their families.

We have seen record home foreclosures for families, skyrocketing gas and grocery prices. These are the consequences of the reckless policies I am most concerned about.

Despite these conditions, our colleague JOHN MCCAIN responded—and he said it more than once; 16, 17 times at least that I know of—the fundamentals of the economy are strong. He is now saying that he meant the American people, the American worker. I know the American worker is strong and productive and hard-working. But we all know that is not what was meant by that comment, the fundamentals of the economy are strong. He and Herbert Hoover share those comments, the gilded age of the 1920s, when the wealthy got wealthier and wealthier and wealthier, until the system crashed and a great Democratic leader, Franklin Delano Roosevelt, came into office and put the American people first, put people back to work and created Social Security and began to rebuild the country. We are at one of those times where we need that kind of leader to rebuild for the American people and create jobs and put people back to work.

I would like Senator MCCAIN and others who believe the fundamentals of the economy are strong to tell that to 84,000 Americans who lost their jobs or the 91,000 families who lost their homes last month, or 605,000 people who lost their jobs since January, 605,000 good-paying American jobs and counting since January.

Now we hear the solution is to create a commission or to study the problem. That is what we need, to study the problem. We know what the problem is. The problem is, we need to get people back to work. We need to stop this failed Republican philosophy that has made the rich richer, while picking the pockets of every middle-class American and making those in poverty find more and more desperation every day. We know what is happening. We don't need an economic study to tell us that Phil Gramm, a former colleague of mine, chairman of the Banking Committee, was wrong when he said it is a mental recession. We are not making this up. We certainly are not a nation of whiners.

So the question is, how did we get here? Unfortunately, this does relate to failed policies. One example was under the Republican Congress when Senator MCCAIN's former economic adviser and friend, Senator Phil Gramm, slipped a provision called the Enron loophole into an 11,000-page appropriations bill on a Friday night before a recess. That provision allowed financial institutions to trade an unlimited amount of energy commodities in the dark in over-the-counter markets that are beyond the jurisdiction of the Commodity Futures Trading Commission. Only now, with our Democratic majority, have we begun to get accountability back because we have closed that Enron loophole.

However, trading on the bilateral swaps markets, the complicated financial markets, the electronic trading facilities are still being conducted in the dark with no transparency, no regulation, no accountability for investors, no accountability for the American people. The Commodity Futures Trading Commission only has the power to get information on these markets on an ad hoc basis. So speculative investors continue to pour money into markets without any oversight.

Yet Republicans continue to oppose more authority and resources to the CFTC. We have a bill on the Senate floor right now, a speculation bill to stop speculation, that includes providing more authority and resources to the CFTC, and it has been filibustered by Republican colleagues.

This just reiterates the failed philosophy of this President, President Bush, of JOHN MCCAIN, and Republican economics that believes in less oversight, less accountability, and more greed at the expense of the American people.

Mr. President, we have had enough. Nowhere is it seen more clearly than in the housing market, which is the root of the crisis. The lack of regulation and accountability by the Bush administration has allowed predatory lending to flourish. It is important to note that clear back to 1994, Congress gave the Federal Reserve the authority to prohibit these unfair, deceptive lending practices, and they waited 14 years to implement this authority—14 years.

Mr. President, I know my time has come to a close, so I will not go through all of the other things that have happened—the times the Democrats have proposed legislation, the warnings we have given, the fact we have tried over and over and over again to pass housing legislation.

I was here on the floor of the Senate when a Republican colleague talked about the fact that we finally passed housing legislation. But do you know what? We took way too long. The bottom line is this: We have been trying time and time again to enact changes, to bring accountability on behalf of the American people, and we have been blocked over and over again. It is important the American people understand we can do better than these failed Republican policies. It is time for a change.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator's time has expired.

The senior Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, obviously, I rise to express some differences of opinion with the prior two speakers, but I want to speak more generally on the issue of where we stand relative to the financial markets. But if ''doing better'' is to follow the proposals of Senator OBAMA, which have been estimated by a very legitimate estimating source to include over $300 billion of new spending annually on new programs that are unpaid for, I do not think that is doing better. If ''doing better'' is to follow a path where we raise taxes on the American people, especially small businesses, I do not think that is doing better.

If ''doing better'' means you approach an issue which is as deep and as significant as what we confront today in the financial markets with a lot of partisan rhetoric about the failure of the Bush administration to make the stock markets function correctly, when this Congress has been controlled by the Democratic Party for 2 years and had more than ample opportunity to address the restructuring of the regulatory entities, and, in fact, proposals were made to restructure Fannie Mae and Freddie Mac, which were rejected by Members from the other side of the aisle, by legitimate leadership on our side of the aisle on that issue, that is not better.

The Nation today confronts a very significant fiscal issue. The finance houses of New York are in disarray, the credit markets are locked down, and the American people and the world generally are very concerned about their assets and how they are protected and whether they are going to be able to continue to be liquid and viable.

It is not constructive for the Senator from Rhode Island to come to the floor and start pointing to the Clinton years as showing a huge run-up in the stock market and the Bush years as showing a flat stock market, and in the process ignoring the Internet bubble of the late 1990s, which drove the stock market down radically in 2001 and led us into a recession. That run-up occurred under the Clinton years and, obviously, they benefited from that, and the Bush years, regrettably, got socked with a recession.

That is not constructive. It is not constructive to put charts up that claim an economic recovery has not occurred since the Internet bubble burst and the 9/11 attacks occurred. In fact, over the last 6 years, Federal revenues were up until about 5 months ago when we hit this significant economic slowdown. Federal revenues had reached historic highs. We had seen 3 years of the greatest increase in Federal revenues in the history of this country as a result of tax law that encouraged entrepreneurship, encouraged people to do things which are taxable.

Job creation was pretty significant too. Over 8.5 million jobs were created over that time period. Yes, jobs have been lost, and that is not good, in the last few months. But to put that in the context of a partisan atmosphere which says this is all the functioning of an administration, when Congress controls the purse strings and Congress controls a large part of the policy and

Congress is controlled by the Democratic Party, is inappropriate, in my opinion.

Furthermore, if you want to look for culprits, the real culprit of this economic disorientation we are going through is that credit was made too easy for too long and, basically, borrowing became an inexpensive event, almost a zero-cost game because of the interest rates which the Fed maintained over a long period of time at such a low level—the Federal funds rate—and, as a result, these dead instruments which were written on real estate were written in a way that basically neither looked at the underlying asset or equity value to support that debt instrument nor looked at the fact in the outyears—as those instruments required reasonable return through interest increases—whether the borrower could support them. So we have had this huge dislocation, this meltdown in the subprime market, which is being followed on by other real estate instruments.

So it is not constructive, and it is certainly a reflection of a lack of leadership when the only answer on the other side of the aisle is to come forward and start claiming they are pure and this side or the President is not, when, in fact, there is more than enough blame to go around as to how we got into this situation.

The Federal Reserve deserves a lot of that. We in the Congress deserve a lot of it for not doing our job in oversight. And, obviously, the administration deserves a lot of it. But it is not unilateral in its placement, to say the least.

So how do we get out of this? Well, I think, first off, we ought to acknowledge that an aggressive effort is being made by the Treasury Secretary and by the Chairman of the Fed to try to control the damage. When they have seen entities such as Freddie Mac and Fannie Mae or entities such as AIG—whose failure would have a systemic effect which would roll through the financial markets of the country, destabilizing not only those businesses but also banks down the road and, in the end, Main Street, and cost Main Street jobs, and cause tremendous disruption on Main Street—they have stepped in and stepped in aggressively. I respect what they have done, and I have supported what they have done.

The markets have also, basically, to some degree, reflected the fact that at least in the Fannie Mae and Freddie Mac area, this was the right action. They still have not digested the AIG issue.

While we are on the AIG issue, I think it is important to point out that we have heard the statement that it is an outrage that $85 billion is going to be put in to basically take over this insurance company—the largest in the country. Well, first off, that money does not come from the Federal Treasury. It comes from the Federal Reserve. The only way it is going to appear on our books, on the Federal Government's books relative to the budget of the United States is if the Federal Reserve pays us less in profit than they annually pay us—and they annually pay us about $25 billion—because of the cost of that action.

Secondly, what the Federal Reserve did was not bail out AIG. They wiped out, for all intents and purposes, the stockholders. All you need to do is look at the primary stockholder in that company, whose net worth dropped by $5.8 billion—which is the report I saw yesterday—as a result of this action. That is a pretty deep loss: a $5.8 billion individual loss. In addition, it is likely the senior debt will lose their position, and it will be wiped out. What will happen is that the parts of that company are going to be sold off in an orderly way, and it is very likely a large part, if not all, of that $85 billion will be recovered and the Federal Reserve won't end up with any cost on its books and may actually make some money on this action. But in the process, more importantly, they will have done an orderly unwinding of that company so you do not have a meltdown of that company, which would lead to a downstream, catastrophic event for literally hundreds of banks in this country—small banks, especially—that have used the AIG insurance to basically solidify the capital on their books. If those banks fail—and they might well have failed if AIG had gone down in an implosion—then Main Street would be affected and jobs would be lost and people would be dramatically impacted.

So this was an effort to pay some money now up front in order to avoid big damage down the road. In my opinion, it was an effort that had to be taken. But for Members of the other side of the aisle to come here and start pounding their chests about how outrageous it is that $85 billion is being spent in this manner, either they do not understand the issue and understand what happened here or they are misrepresenting the issue and in a way that is truly not constructive to settling the markets or to getting a resolution that will be positive.

We still have an issue, and it is fairly significant. The issue is that the underlying credit in the mortgaged area—mortgage-backed securities—is locked up. It is virtually impossible to move these securities off the books because nobody knows the value of these securities. As a result, the marketplace is not working correctly and you cannot move money and you cannot make loans and you cannot get economic activity and thus you cannot create jobs. The engine of our economy has always been our real estate industry.

So we as a government have to be thinking about how we should address that. It may take some significant creativity. I respect the chairman of the Banking Committee in the House who has openly said maybe we should take another look at something like the Resolution Trust Corporation which we had in the 1990s. This may be the type of vehicle we have to take a look at. But to accomplish that, we have to have a mature approach. We have to have an approach that is not a juvenile, partisan attack coming from the other side on initiatives which might constructively resolve this or at least should be debated in an atmosphere where there is some sort of seriousness about the debate besides hyperbole and political advantage trying to be scored.

I am willing to acknowledge and openly acknowledge that I respect the fact that Congressman FRANK has put this concept on the table. It would be nice if somebody on the other side of the aisle who had spoken today—and I did not hear anybody—had come forward and said they respected the fact that the Secretary of the Treasury had been willing to take some aggressive action to try to stabilize Fannie Mae and Freddie Mac and AIG for the betterment of this country and our economy, but all we are hearing is hyperbole, unfortunately. It is time we had some adult reflection on this around here. Yes, it is an election year.

Mr. President, I ask unanimous consent for an additional minute.

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

Mr. GREGG. Yes, it is an election year, and we know it is a Presidential year. We know everybody is trying to score points. What we are dealing with here is so big and so important to every American—basically, the fiscal solvency of our Main Streets and the fiscal solvency of the banks that support Main Street—that we can't allow ourselves—or we should not allow ourselves—to devolve into this type of hyperbole and partisanship. It would be nice if people around here would be willing to sit down and acknowledge that there are thoughtful ideas coming at this and there are creative ideas, but they are also going to be controversial; and that in the atmosphere of high partisanship, which I have heard this morning on this floor, we are not going to be able to discuss intelligently thoughtful, creative, and bold ideas because they are going to be savaged by petty partisanship.

We have a job before us as a Congress. Clearly, the Secretary of the Treasury is engaged and the Chairman of the Fed is engaged, and I hope the Congress will get engaged fairly soon, as well, in a substantive and positive way.

I yield the floor.

The PRESIDING OFFICER. The junior Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, I ask unanimous consent to speak for up to 20 minutes.

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

Mr. MARTINEZ. Mr. President, I thank my colleague from New Hampshire. His remarks are right on point. I appreciate the tenor of what he is saying, and I thank him very much for his mature and sober judgment.

This is a moment when we should be talking about solutions. This is a serious moment in America. We have hit a very serious financial crisis in this country. The fact is—well, this morning, I was speaking to a group of bankers, a group of business people, and their concern is heightened. What they are seeking is for Government to, first of all, try to provide a backdrop of assurance to the American people. One of the gentlemen I was speaking with was saying his office is getting deluged with phone calls from concerned investors who are wondering if their lifetime of savings is going to be eroded and go away. So what should we do at a moment such as this? Should we heighten the level of tension and crisis or should we talk in mature, serious tones about the need to come together as Americans first, Republicans and Democrats second—as Americans first—to try to find solutions?

I have seen a lot of finger-pointing. I have heard a lot of blame assessing. Much of it I find as logical as blaming President Bush for hurricanes, and sometimes I wonder when that will begin to occur.

Obviously, there have been things that have been done that have not been right. Maybe now we recognize and we can all come together around the idea that we do need a new regulatory framework for our Nation's financial institutions. We have been going on the same ones that were existing since the Great Depression and days after that. So this has now focused our attention on the need for finding ways in which we can find a way of better regulating financial institutions so we can avoid systemic risk—systemic risk—a risk to the financial system.

For those who are playing the partisan game, the big charge seems to be that somehow this administration was against regulation. Well, not to take the other side and become partisan, but let me try to set the record straight a little bit and talk about what happened. I was a part of this administration for the first 3 years of it. During that time, I and other members of the administration, including the then Secretary of the Treasury, Secretary Snow, and others made a mighty effort to try to get the Congress's attention to begin the process of regulating Fannie Mae and Freddie Mac. Now, anyone who looked at that situation—and it was part of my responsibility as HUD Secretary to partially regulate those entities—knew I did not have the authority to regulate them; that the laws were written in such a way that it made it impossible to have an effective regulator over these two giant and growing entities, and their growth has been dramatic, or was dramatic, from the time after I left HUD until the time of their collapse and Government intervention took place. They continued to grow tremendously.

It is very clear there were efforts by Republicans to try to regulate these entities and there was equally strong and better constructed efforts by Democrats to not regulate them and to allow Fannie and Freddie to continue business as usual. Finally, this year, we came together—and I commend Chairman DODD and Chairman FRANK for leading both committees of the House and Senate so we could come together in a bipartisan effort to regulate these two entities. Now, if I had had it my way, that regulator would have been stronger and even more capable than the one we put in place, but thank goodness we did act and we created a regulatory scheme. It was a little late to save them because by then the horse was out of the barn. Had we regulated them back in 2003, when I testified before the Banking Committee of the Senate, the Financial Services Committee of the House, maybe we could have begun a new regulatory scheme then, and we could have today perhaps been in a position where those entities would not have had the problems that they ran into. Our efforts were not taken very seriously at the time, and the record is pretty clear about who was in favor of regulation and who was absolutely dead set against it.

The fact is it does no good for us to today, in the midst of this enormous crisis, to be sitting around finger-pointing and trying to score points. The bottom line is we have a problem ahead of us, and the best thing we can do is to utilize sober judgment to try to come together, as I said, as Americans—not Republicans, not Democrats but Members of the Congress, Members of the Senate who have taken an oath of office—to try to do the right thing by the people whom we represent. How can we address this problem? What can we do? In fact, it may not be that there is much we can do. This is not a governmental problem at this moment in time. There is a need for us to look and see what the future of Fannie Mae and Freddie Mac is going to be. Do they belong as a half private, half governmental agency? Does it make any real sense for them to be partially beholden to their shareholders and partially beholden to the taxpayers? I am not sure it does. So we will need to legislate on that issue in a serious manner as to what the future of those entities should be.

Here is one suggestion I would make today as to how we might begin to ameliorate the problem and how we might begin to work together, bipartisanly, to try to find an answer. I believe, from talking to people in the financial world, that one of the serious needs of today's problem, that would begin to ease all these problems, is for us to begin to look to ending the enormous surplus of unsold homes. The fact is people are not buying houses. The fact is there is an oversupply. The fact is supply and demand is out of whack. So perhaps we could, through tax credits, encourage people to buy homes, to purchase homes, providing them with essentially a tax credit that would encourage them, through the tax system, to purchase a home at this moment in time. If the inventory were to be drawn down, if we had fewer unsold homes sitting in the market, it would make it much easier for the marketplace to then begin to find a bottom—a price floor—that could then begin to ease the burden on all these financial institutions that are holding paper that today is not worth what they thought it would be.

I wish to shift subjects, but before I do, I would make a call that we try to temper a little bit our desire to score a point today on the backs of the American people who are frightened and who are concerned—and rightfully so—about a very difficult problem and try to, rather than finger-point, join hands; rather than finger-point, let's put our hands together, Republicans and Democrats, to work together toward a solution, toward some honest-to-goodness effort. That is what the American people expect of us. That is why they sent us here, to work together to solve problems; not to try to assess blame and not to try to score political points.

PUBLIC SAFETY

Mr. MARTINEZ. Mr. President, I wish to talk about another matter which has to do with the public safety of our people. Public safety is among the highest priorities of Government. Americans should feel—and have a right to feel—safe in their homes, their neighborhoods, and their communities. Although the national violent crime rate has dropped substantially since 2000, we know any crime is too much crime. As elected officials, we ought to do what we can to prevent criminal acts.

In recent years, my home State of Florida has, unfortunately, seen a rise in violent crime—a very sharp increase. If we look at the numbers in recent years, there is a clear trend: The murder rate in Florida rose more than 28 percent in 2006 and another 6.5 percent in 2007. Instances of armed robbery increased by 13.4 percent in 2006 and nearly 12 percent in 2007. So while the overall crime rate rose only 1.4 percent—and it was the first time in more than a decade—we did see a rise in violent crime.

Many of the crimes committed in Florida are being committed by those with prior records and those who are already fugitives from justice. A U.S. Marshal—a good friend—told me fugitives from justice posed the most risk to society because they have to keep committing crimes in order to keep going and crime then becomes their livelihood.

So that is why, since the creation of the U.S. Marshals Service, their priority has been to capture fugitives. They work closely with local and State law enforcement agencies, they devote the resources necessary to track fugitives across State lines, and they have

several regional task forces set up specifically to go after the worst of the worst criminals.

Currently, my State of Florida falls under the purview of the Southeast Regional Fugitive Task Force based in Atlanta, GA. Given Florida's size, its population, and the escalation of violent crimes, we need a special focus to more effectively target those responsible for the most serious of crimes.

Last year, I requested the resources necessary to establish a regional Fugitive Task Force in Florida. We secured $2.8 million, and while not enough to establish a task force, it did provide the resources to increase the Marshals' presence in my State. Over the past 10 weeks, the Marshals Service put those resources to work in an effort that they call ''Operation Orange Crush.''

In Miami, Jacksonville, Orlando, Tampa, Fort Lauderdale, West Palm Beach, and other places, the Marshals Service linked up with other State and local law enforcement agencies and targeted the worst of the worst fugitive criminals.

They went after murderers, rapists, child sex offenders, and gang members, and they very specifically went after violent offenders. The results were absolutely astonishing. Nearly 2,500 fugitives were apprehended. More than 2,900 warrants were cleared, 113 homicide suspects were arrested, and 255 sex offenders were also captured. They also took in 76 firearms and about 100 pounds of illicit narcotics.

Among those captured in Operation Orange Crush was fugitive David Lee Green, an escapee listed on the Marshals' 15 Most Wanted list, and a criminal who has been on the run since the year 2000, out there committing more and more crime. Green was found in Titusville after escaping from a Federal correctional institution in Elkton, OH, where he was serving a 235-month sentence for cocaine distribution. In addition, he was wanted for machinegun possession.

Another captured fugitive, Rosalino Yanez, was arrested in Okeechobee County.

Authorities in Fort Pierce wanted him for a 2003 murder, when he apparently used a shotgun to fire and kill two men. He is also wanted in Georgia for attempting to commit murder there.

Another arrested was Nolan Woods, who was captured in Miami on a warrant for sexual assault of a minor. So this man was also captured and put behind bars.

These are some of the more than 2,400 arrests that were made. These were made possible because of the additional resources this Congress made available to the U.S. Marshals Service.

Given these statistics and what the Marshals Service was able to do in a 10-week period—in just 10 weeks in my State—demonstrates that there needs to be a permanent Regional Fugitive Task Force in Florida. Rising violent crime rates pose a serious threat to our children, our families, and our communities. These results demonstrate that Florida has a need, and the resources used will yield the desired results.

Establishing a permanent Regional Fugitive Task Force in Florida will require Congress's support through the fiscal year 2009 and beyond. But given the results of Operation Orange Crush and the outstanding commitment of the U.S. Marshals Service, I am very hopeful we can take the results of this task force and make this be a reality in the coming days.

So I am very pleased, and I wish to give a word of thanks not only to the Marshals Service but also to all law enforcement in the State of Florida who worked together cooperatively to make this terrific result happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

THE ECONOMY

Mrs. CLINTON. Mr. President, we have seen the financial landscape in our country reshaped overnight. The titans of Wall Street have been rendered insolvent or even bankrupt. These are firms that survived the Great Depression, world wars, the attacks of September 11, but were no match for a mounting credit crisis that was allowed to escalate in the shadows of our financial system.

The Federal Government has taken over Fannie Mae and Freddie Mac. Bear Stearns had to be rescued by JPMorgan Chase, after the Federal Government guaranteed J.P. Morgan's investment. While they are in talks to keep part of the company viable, Lehman Brothers has declared the largest bankruptcy in U.S. history. Merrill lynch has been purchased by Bank of America, and the Federal Government has agreed to rescue AIG.

This past Monday, we saw the largest drop in the Dow Jones Industrial Average since 9/11. Now even money market funds are affected; for only the second time in our history, one has been valued at less than 100 cents on the dollar. Alan Greenspan called this a ''once in a century event.''

In my State of New York, tens of thousands of hard-working employees have lost their jobs. The livelihoods of tens of thousands more who depend on Wall Street's economy are threatened as well.

New York City and New York State, already facing serious economic and fiscal challenges, will now be forced to contend with a battered Wall Street, the lifeblood of our State's economy. The sudden collapse of these firms and the Government takeover of some has shaken our markets and buffeted the economy as a whole. Many are now asking: What is next? I know that New Yorkers and other Americans are deeply concerned and more than a little bewildered. As our markets have grown more complex and interconnected globally, so, too, have the crises that have emerged. We are still sorting out the details.

One of the consequences of the secrecy and lack of oversight under the Bush administration is that we do not know what we do not know. But it is important to recognize what we do know about what went wrong so we can assess what needs to be done right now to make it right.

What we have seen over the course of the last 8 years is an administration that refused to recognize the threats that lurked in our economy—no matter what lurked just beneath the surface or what problems were facing middle-class families.

We know that many CEOs are paying lower tax rates than their receptionists. We know that President Bush and those who carry his mantle seek to lower those taxes even further. Middle-class families have seen their wages decline, even as the cost of living has skyrocketed. This administration has the worst job creation record in 70 years. Millions of families were locked into ballooning and unaffordable adjustable rate loans as this administration stood by denying there was a crisis. Regulations designed to keep pace with the markets have been steadily chipped away by Washington Republicans even as companies experimented to the tune of hundreds of billions of dollars in ever-more complex and risky financial instruments. Now, we were reassured that the risk was too diversified and investments too sophisticated to put our economy in jeopardy. Meanwhile, behind closed doors, the cracks were showing as the value of mortgage-based securities slipped day by day. And the President and his supporters in Congress repeatedly chanted—and still chant today—the mantra that the fundamentals of our economy are strong.

The administration waxed philosophic when middle-class families started facing foreclosures at record levels. The administration and its allies derided my proposals over the last 2 years to offer assistance to troubled homeowners seeking refinancing as a ''bailout.'' They dismissed my concerns and the concerns of millions of Americans even as the storm clouds gathered. They said they didn't believe the Government should intervene and provide borrowers an affordable opportunity to avoid foreclosure.

Even when I and others warned the Bush administration repeatedly from the start of this crisis, that decisive action was demanded immediately to help families stay in their homes, that that was the best way to stave off a deepening economic crisis, their only responses were predictions for a ''soft landing'' and that the crisis could be contained.

As I traveled throughout our country, I could see that no soft landing was forthcoming. Many families, hundreds and even thousands of miles from Wall Street, were having their lives turned upside down by the home mortgage crisis and the ripple effect being

felt throughout the economy as a consequence of the broken economic policies of the last 8 years.

Unfortunately, the Bush administration waited until this past summer to admit that massive housing relief was necessary. The administration finally supported, in concept, much of what I had proposed—mortgage modifications, freezes for unreasonable mortgage rate increases, and an expanded role for the Federal Housing Administration. But their response was halfhearted, without adequate resources or a commitment to enforcement. So the home mortgage crisis slowly but surely eroded the value of risky debt instruments upon which Wall Street firms were dependent. The house of houses of cards began to fall. My proposals, as well as those of others, were falsely greeted as too much, too soon. Now we are forced to reckon with too little, too late.

When giant Wall Street firms revealed their dire straits and turned to this administration for the exact same help as we had sought for middle-class families—discounted loans, loan modifications, and Government-backed lending to weather the storm—ADAM SMITH was nowhere in sight.

Taxpayers have loaned these banks upwards of half a trillion dollars. After years of laissez-faire policies for the middle class, the Bush administration has acted on behalf of Wall Street, with the largest and most significant Federal interventions in the history of our modern financial system. The largest banks in the world could have closed-door meetings with the White House and Federal Reserve and Treasury Department to discuss their bailout options, but millions of homeowners with mortgages worth more than their homes or who are facing default and foreclosure don't have the same opportunity.

This administration seems to be, once again, paralyzed. I represent both the workers and the homeowners and the investment firms. I wish we had taken action long before this, for the sake of all of my constituents. But now we must have a concerted, focused effort. I don't believe we can wait until the next President. I am extremely hopeful and optimistic that we will have a President who will work with us to resolve our economic challenges, but I don't think we can wait.

However, I do believe we can avoid a deepening crisis. We can take steps right now to address the root causes of what is taking place in our economy to stem the tide of foreclosures, mortgage defaults, and the aggregating consequences in the credit markets, on Wall Street, and throughout the global economy. But we must cast aside the haphazard, halfhearted approach of this administration and bring every stakeholder to the table to seek out and implement the right solutions.

We must be as vigilant on behalf of homeowners and middle-class families as we are on behalf of Wall Street firms. We must chart a new course based on the facts at hand, not the ideology at work for 8 long years. We have tried being reactive. It is now time to be decisive.

No option should be off the table—certainly not because they don't fit into a narrow ideological prism that this administration has abandoned for some at the first sign of trouble. Ideologues in Washington or in the market who thought that the only danger to the marketplace was the Federal Government are now going hat-in-hand to that same Government seeking help to stay afloat.

So to those who suggest that the steps taken thus far are enough, let me be clear: We may need to take even more significant steps to avoid a self-sustaining cycle of depressed home prices and foreclosures, with the consequent effect on the entire marketplace. We have already pumped hundreds of billions of dollars of liquidity into the markets, but we still cannot see the end of this crisis.

The biggest problem now is that our entire financial market is anchored by the mortgage securities that are untouchable. We have seen the banks and the financial institutions that had the largest exposure to these instruments among the first to fail. Now we have begun to see some of the mightiest institutions—even those making a profit—fall by the wayside and the market thrown into upheaval, and others the target of predatory short-sellers.

The Federal Reserve has used virtually every arrow in its quiver, from rate cuts, opening its lending windows, and, in desperation, has even created some new arrows through its new lending facilities. By some estimates, the Fed has put out more than half a trillion dollars through discounted loans, bailouts, and takeovers to stabilize the market and the economy. While necessary to prevent even deeper disaster, we have seen that the benefits of these actions have had limited effect.

This situation reminds me of that old fable where people are standing by the side of a river and they keep seeing babies being rushed down the river in the current. They desperately reach out and try to save as many babies as possible. Day after day, they are reaching out. They get new tools, they build a bridge, they get a ladder, and they are constantly trying to get to those babies, hoping they can save many of them. Finally, someone walks up and says: Who is throwing them in? Go upriver and find out the real problem and stop that.

The real problem has always been the way our home mortgage system got totally out of whack, with new kinds of instruments that were sold many times over, with very little regard to the realities of life, human nature, and the inevitable ups and downs in the economy, with the result that until we reach in and fix the home mortgage crisis—and we can bail out everybody from here until kingdom come—we will not get a handle on this economic crisis.

Here is what I believe we should do:

First, in light of historic bank failures, even with the largest Federal intervention in the history of the mortgage market, we need a government entity, a modern-day homeowners loan corporation, referred to as HOLC, or we need to build on the Resolution Trust Corporation created to help deal with the savings and loan crisis. I personally believe and was among the very first to suggest that a HOLC, a homeowners loan corporation, could be a preferable way of unfreezing and beginning to fix our struggling mortgage market.

Some of my colleagues and many other respected economists and Government officials have called for the creation of an entity like the Resolution Trust Corporation which was created after the savings and loan crisis to liquidate in an orderly way the virtually worthless assets that the failed S&Ls held.

Yesterday in the Wall Street Journal, Paul Volcker, Eugene Ludwig, and Nicholas Brady made such a proposal. They said a HOLC, RTC—we have to come up with an entity that will assume these debts and burdens and begin to work our way out.

Last spring, when I called for a modern version of the HOLC—that is the Depression-era entity that bought up old mortgages and issued more affordable ones in their stead—most people didn't pay much attention. But I think it is important to note that by the time the HOLC closed its books, that agency had turned a small profit and helped over a million people keep their homes. And this was 70 years ago.

Our population has grown dramatically. Obviously, if we did it right, we would be able to save a lot of homes, and I think if it is administered correctly, it could be actually a net expenditure or even winner for the Federal Government.

With the FHA reforms I long championed and adopted this past summer in our omnibus housing bill, the FHA could be a modern home ownership lending corporation. But we need to look to new ways to revive and, if necessary, create a new market for mortgage securities based on sound accounting, transparent recordkeeping, and responsible lending.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator has used 10 minutes.

Mrs. CLINTON. I ask unanimous consent for an additional 10 minutes.

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

Mrs. CLINTON. Madam President, I did not know I had a time restraint.

A new government entity such as the HOLC with focus on attacking the source of the problem can serve a purpose of clearing a lot of those toxic mortgage securities from the market. We know there will not be any semblance of a normal or orderly marketplace until we have found a way to resolve these mortgage securities that

are metastasizing in the bottom of our markets.

By taking this paper out of the market and quarantining it in this new entity, we will give the market breathing room to recover. We also will be able to set the stage for an orderly sale of these securities and in return allow some of them to recover and regain some of their value. Perhaps as importantly, not only would our financial markets stabilize, but so would our housing markets.

This is an extraordinary measure, but it is not without precedent. This is the greatest market upheaval since the Great Depression. We are, indeed, in crisis, and in times of crisis there are opportunities for leadership. Congress can show the American people that leadership by working with the President to embrace this bold proposal to take immediate action to address the abusive and manipulative short-selling practices that are rattling the markets, threatening firms and jobs, and sending shock waves across the broader economy.

I commend the SEC for yesterday tightening rules against manipulative short selling. The SEC's rulings are a positive step in curbing the heightened volatility casting uncertainty on domestic markets and financial institutions. However, the Commission did not go far enough.

As a Senator from New York, I have a special duty to represent the workers of the financial services industry and to try with all my might to retain New York City as the financial capital of the world. The abuses that have disrupted the markets today will impact the lives of so many far beyond New York. So I think it is necessary for the SEC to take steps similar to the emergency rule it imposed this past July when the Commission ''concluded that there now exists a substantial threat of sudden and excessive fluctuations of securities prices generally and disruption in the functioning of the securities markets that could threaten fair and orderly markets.''

Conditions now pose a greater threat than they did in July. Several of the institutions that the Commission sought to insulate from abuse do not even exist or certainly not in the same form they did 2 months ago.

The situation is evolving rapidly, so we need to stay a step ahead, not a step behind.

I urge the Commission, as I expressed yesterday in a letter to Chairman Cox, to move toward a temporary moratorium on all the abusive and manipulative short-sale practices associated with ''substantial financial firms,'' such as those the Commission identified in July.

A temporary moratorium would allow the marketplace to take a step back, take a deep breath, and it would allow the Commission and other regulators to identify and weed out the sources of these abusive transactions.

Moreover, the Commission should give close consideration to the many calls for the immediate restoration of the uptick rule, whose repeal has been linked to the recent market volatility and proliferation of these short-sale transactions.

I know there are technical problems in moving toward digitalized trading, but we ought to figure out how to handle that.

Third, I am calling on President Bush to convene an economic summit that brings together leaders in the administration and Congress with lenders, consumer advocates, nonprofits, financial institutions, and all the stakeholders. Such a summit, I believe, would restore confidence and demonstrate that the entire country is focused on solving the problem we face.

Fourth, I want to propose once again that we aggressively pursue and encourage mortgage modifications. I have introduced such legislation. I believe it is important. Madam President, 10 million homeowners are underwater today, carrying more than $2 trillion in mortgage debt. That is a huge anchor on our markets and our economy. Modification done right is a strategy that serves lenders and borrowers, as well as the broader markets.

Fifth, it is clear that for too long, the rapid evolution of the securities and banking industry overwhelmed our regulatory framework, resulting in an entire shadow banking system that operated outside of oversight and without accountability.

It is not enough to shift responsibility or move lines on a flow chart. We need a new regulatory framework. We have been living off the one from the Great Depression. Now is the time to create a new framework.

Sixth, I proposed the Corporate Executive Compensation Accountability and Transparency Act to impose new transparency rules on executive pay and the accounting techniques that hide compensation and provide shareholders a say in executive compensation packages.

Finally, and seventh, I am proposing that we require any financial institutions borrowing money from the Federal Reserve's new lending facilities to open their books and ensure accountability and transparency to identify unsound practices.

These banks and other entities have tapped the Fed's new lending windows for over $300 billion in capital. They shifted a lot of that risk onto the backs of our taxpayers. These are unprecedented interventions, and we should make sure these companies are not using taxpayers' dollars to subsidize golden parachutes or risky investments, throwing your good money after bad. If we are bailing you out, we deserve to know exactly your liabilities, and you have to be part of this new regulatory framework.

This crisis has not abated. It is time for us to start acting like Americans again. There isn't anything we can't solve once we put our minds to it. For that we need leadership. I know that our leader, Senator REID, has said the Senate will remain in pro forma session. We are ready to work with the administration, to work with the other stakeholders to change course and end the failed economic policies and failure of regulatory oversight that brought us to this point.

There is much more we need to do. Individuals have to take responsibility, we know that, but in this dynamic environment, we must work together to stabilize the market, tackle the root causes that have festered too long, and restore confidence in our economy.

We will weather this storm, but let's do it sooner instead of later. Let's try to save as many boats in the water right now instead of cleaning up the wreckage on the banks. I believe we can do that.

I thank you, Madam President, for your attention. I hope we will be able to start seeing action very soon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, I ask unanimous consent that I be allowed to speak for up to 20 minutes and the Senator from Vermont follow me, and that he be allowed to speak for up to 20 minutes.

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

Mr. KYL. Madam President, I am astonished at the diatribe by some of our Democratic friends who are charging that our current economic woes are ''the Republicans' fault,'' as if somehow our system of housing finance and the complex mortgage-backed investments were created by President Bush. The American people know better and, frankly, they deserve better.

Similarly off base are efforts by some Democrats to rewrite history by trying to cast Senator MCCAIN and President Bush in the mold of President Hoover. It is, of course, a false and complete misunderstanding of history and I believe nothing more than attempted mudslinging.

There is an excellent history of the Great Depression by Amity Shlaes called ''The Forgotten Man.'' In it she reminds us that Herbert Hoover was an interventionist, a protectionist, and a strong critic of markets. If anything, Herbert Hoover and then Franklin Roosevelt prolonged the Great Depression by their intervention in the free market with their support for more taxes and tariffs, all of which, of course, caused a spiral of deflation.

No one can argue that my colleague Senator MCCAIN is an interventionist or protectionist such as Herbert Hoover. He is a strong critic of the greed and the cronyism that are two things that have led to our current financial problems.

What are the facts about the current situation? Where did it all begin?

I think almost everyone agrees that this financial crisis was precipitated by the housing crisis, the bursting of the bubble of overinvestment and speculation in home mortgages. Housing

prices skyrocketed to unsustainable levels as mortgages were given to people who simply could not afford them, and speculators ran up prices even more. All of the experts I talked with agree that until housing prices level out naturally—in other words, not artificially through some kind of Government interference—our financial crisis will not reach a conclusion. That is what is necessary to begin the rebound so that we can recover from the current crisis.

While it is true that both parties took pride in supporting more home ownership, a goal to which all Americans would certainly aspire, Democrats cannot deny that they promoted expanding loans to more and more people who had previously found it very hard to get a mortgage because they could not make a sufficient downpayment or failed to meet other normal loan criteria; in other words, people who were higher credit risks. So it isn't just lenders but also politicians who enticed and encouraged folks to buy homes they could not afford. And this, of course, fueled speculation as well.

It is also true that members of both political parties were strong defenders of Fannie Mae and Freddie Mac, the so-called government-sponsored enterprises, or GSEs. But I can't think of a single Democrat who fought for comprehensive, meaningful reforms of these entities over the last decade.

Fannie and Freddie made huge campaign contributions, and those campaign contributions secured many friends who were willing to stymie even the most modest proposals for regulation, proposals put forth by Republicans both in Congress and in the administration.

I cite, for example, a New York Times article of September 11, 2003. I will quote two brief paragraphs:

The Bush administration today recommended the most significant regulatory overhaul in the housing finance industry since the savings and loan crisis a decade ago.

It goes on to say:

The plan is an acknowledgment by the administration that oversight of Fannie Mae and Freddie Mac—which together have issued more than $1.5 trillion in outstanding debt—is broken. A report by outside investigators in July concluded that Freddie Mac manipulated its accounting to mislead investors, and critics have said Fannie Mae does not adequately hedge against rising interest rates.

The article concludes with a criticism, two paragraphs more:

Significant details must still be worked out before Congress can approve a bill. Among the groups denouncing the proposal today were the National Association of Homebuilders and Congressional Democrats who fear that tighter regulation of the companies could sharply reduce their commitment to financing low-income and affordable housing.

''These two entities—Fannie Mae and Freddie Mac—are not facing any kind of financial crisis,'' said Representative Barney Frank of Massachusetts, the ranking Democrat on the Financial Services Committee.

Again, ''These two entities—Fannie Mae and Freddie Mac—are not facing any kind of financial crisis.''

Quoting again:

The more people exaggerate these problems, the more pressure there is on these companies, the less we will see in terms of affordable housing.

Our friends on the other side of the aisle claim the current financial crisis stems from a lack of regulatory oversight, but they don't mean a lack of oversight over Fannie and Freddie, which they resisted. They don't mean regulations that actually would have headed off the crisis of these GSEs.

I think most of my colleagues would acknowledge that I am one of the most free market Members of the Senate. I am not one to usually call for more regulations. But in the case of Fannie and Freddie, I did. As chairman of the Republican policy committee in 2003 and 2004, I provided two detailed analyses of the potential for catastrophic failure of the GSEs unless they were precluded from taking on more and more questionable debt. I noted that while their executives and shareholders were making a lot of money in the short run, the taxpayers would be on the hook in the long run. And that is exactly what occurred.

The first paper the Republican policy committee released under my watch suggested that the implicit Government guarantee of both Fannie and Freddie allowed the companies to borrow significantly more than they would have without the guarantee, and that they used those resources to invest and trade in risky mortgage securities, not to pass on the benefit to borrowers.

In September 2003, 5 years ago, I recommended that Congress ''improve disclosure requirements and transparency, increase risk-based regulatory oversight; and begin to consider how to create a greater separation between the taxpayers and the business operation of these firms without causing financial dislocation or upsetting the mortgage markets.''

I also warned that without reforms, either or both companies could fail. And I said:

The potential cost to U.S. taxpayers could range into the hundreds of billions of dollars.

I am sorry to report that I was correct. The bailout will cost at least $200 billion. That is the amount that has been cumulatively committed to Fannie Mae and Freddie Mac.

The second paper I released in April of 2004 reported that then-Chairman of the Federal Reserve, Alan Greenspan, had endorsed fundamental reforms for Fannie and Freddie. Greenspan threw cold water on the most often repeated rationale for allowing Fannie and Freddie to continue growing, indeed, for their very existence: that they increase home ownership and reduce mortgage rates. My report, quoting once again ''challenged the Senate to act quickly to reduce the risks to the taxpayer, either by fundamentally altering their relationship with the government, or by establishing a new regulatory regime.''

But the Senate failed to act in 2004, when it could have headed off this crisis.

I also want to highlight the efforts made by Senator SHELBY, the ranking Republican on the Senate Banking Committee, to reform Fannie and Freddie. In 2004 and 2005, Senator SHELBY tried to enact comprehensive GSE reforms of the kind I have referred to only to be stonewalled by then-Senator Sarbanes. First, in 2004, Senator Sarbanes refused to consider the legislation. He said the problem was the receivership provisions. At the time, Fannie and Freddie could only be taken into conservatorship if they failed but not receivership. Fannie and Freddie used their objections to this provision to label my colleague, Senator SHELBY, as anti-home-ownership.

When SHELBY tried again, Senator Sarbanes told him the reforms couldn't move forward because he objected to the portfolio limits that SHELBY's legislation would have imposed on Fannie and Freddie. Same kind of thing I had called for earlier in the report to which I referred. Remember, their portfolios were highly leveraged. Again, SHELBY and those who supported him were castigated as anti-home-ownership. Each time he pressed for these reforms, the supporters of Senator Sarbanes and Freddie and Fannie came up with reasons to oppose them.

When Congress passed the Fannie and Freddie bailout legislation this last summer, we were finally able to secure fundamental reforms, thanks again to Senator SHELBY and to Secretary Paulson, but no thanks to most of the Democrats who worked against the reforms. Unfortunately, by then the damage was already done. The legislation came too late to avoid their collapse. Instead, we had to end up managing their collapse, and their collapse had spread throughout the entire financial system to the point that we now have a whole series of companies that we are having to try to find a way to assist in order to prevent further collapse of our financial system.

Even at this late date, the chairman of the Senate Banking Committee and the chairman of the House Financial Services Committee would only agree to the GSE reforms proposed by Secretary Paulson after Republicans gave in to their demands for billions of dollars to go to groups such as ACORN, the far-left advocacy group that has engaged in voter fraud.

In a last-ditch attempt to save Fannie and Freddie from greater scrutiny, the chairman of the House Financial Services Committee even tried to delay the appointment of the new, more powerful regulator set up in the legislation until next year. Fortunately, on this, Senator SHELBY prevailed. When the two entities were taken into conservatorship this month, the new regulator shut down all political activities of Fannie and Freddie

and fired their executives and barred them from getting lavish compensation packages.

That is the kind of thing that should have been done a long time ago, and it is exactly the kind of thing Senator MCCAIN is talking about trying to reform if he is elected President.

One final point about the political entanglement of Fannie and Freddie in Washington. When Senator OBAMA began searching for his Vice Presidential running mate, he tapped former Fannie Mae CEO Jim Johnson to help conduct the search. This wasn't surprising. Johnson had the same role in Senator KERRY's 2004 campaign. But Senator OBAMA had to end his relationship with Jim Johnson after it came to light that Johnson had received at least three sweetheart loans from Countrywide. Remember, Countrywide was accused of pushing many people into home mortgages they could not afford. It ultimately failed, and it had to be acquired by a bank. I should also note that Johnson is credited by many as having built Fannie Mae into the financial giant it became. He built the failed business model that will cost taxpayers hundreds of billions of dollars. When he was CEO, he aggressively hired an army of lobbyists to protect Fannie Mae from any meaningful oversight.

Well, Fannie and Freddie guarantee about $5 trillion now of the approximately $12 trillion in total outstanding home loans in the United States. That amounts to $5 trillion in mortgage-backed securities guaranteed by the pair. Fannie and Freddie sold these to countless different companies not just in the United States but around the world. They were sold as sound investments. But with real estate prices dropping, nobody knows how to value these investments, and that is part of the problem of this continuing crisis. Countless major investors here and abroad are now at risk. Witness the problems with Bear Stearns, Lehman, Merrill Lynch, AIG, to name only the most prominent.

So the problems that several Republicans predicted and tried to prevent have now come to pass. The Treasury has placed Fannie and Freddie in conservatorship, risking up to $1 billion of taxpayer money for each of them. Add to that the $30 billion the United States had to guarantee in the Bear Stearns debt to get J.P. Morgan to acquire the bank, plus $85 billion to nationalize AIG, and you begin to see the degree of commitment the American taxpayers are now obligated to—all of this because several prominent Democrats, and sometimes even Republicans, refused to appropriately and seriously address the problems and dangers posed by Fannie Mae and Freddie Mac.

That is how this all got started. And unless there is a willingness to prevent the GSEs from doing it all over again, with taxpayers guaranteeing against losses, we will not have learned the lesson we should learn from this catastrophic event. I am anxious to see if my Democratic colleagues will agree or whether, as before, they will try to perpetuate the same corrupt system that got us where we are today. I hope, Madam President, this will be an opportunity for us to begin working together, to stop pointing political fingers of blame at each other, to learn the lessons of the past, and to ensure that never again will we allow this kind of situation to develop at the cost of our constituents—the taxpayers of the United States.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Madam President, I would like to focus on three aspects of the current economic and financial crisis that is wreaking havoc on tens of millions of working families throughout our country and, in fact, people throughout the world. I think the questions we have to deal with are, No. 1, how did this crisis develop; No. 2, what can we do in the short term to address it and to protect middle-class families—people who are scared to death all over our country about losing their 401(k)s, people who are worried about losing their jobs, people who can't afford health insurance today—and, No. 3, what can we do long term to learn from the mistakes of today so that we create an economy where this crisis never erupts again.

I think those are the areas we might want to be focusing on right now.

Madam President, we are here today in the midst of the most serious financial and economic crisis that our country has faced since the Great Depression of the 1930s primarily—primarily—because of one reason; and that is, over the last many years, especially in the last 8 years of President George W. Bush, government policy, government ideology has been dominated by an extreme rightwing position that tells us—and we have heard it over and over and over again on the floor of the Senate—that government is bad, government is evil, government has to get out of the way so we can allow large multinational corporations and the wealthiest people in this country to do all of the wonderful things they will do to create prosperity for all Americans.

Now, among specific policies, what President Bush and others of that view have said is it is important for us to give huge tax breaks—trillions of dollars in tax breaks—to the wealthiest people and largest corporations in our country so they will then invest in America, create good-paying jobs, and their wealth will trickle on down. That is the trickle-on-down theory of economics.

In fact, my friend, Senator KYL, who just spoke a moment ago, is the lead advocate, along with Senator MCCAIN and many other Republicans, of the repeal of the estate tax that would provides $1 trillion in tax breaks over a 20-year period to the wealthiest three-tenths of 1 percent. Three-tenths of 1 percent receive $1 trillion in tax breaks. That is part of that ideology.

Further, what they have said is, we need to not worry about manufacturing in America because what we should establish is a policy of unfettered free trade. We don't need tariffs. What we need is to allow corporate America the freedom to throw American workers out on the street—people who are making 15, 20, 25 bucks an hour, health care, pensions—because somehow we are going to create wealth in America and good-paying jobs in America as we shut down plants, we move to China, and corporations there pay workers 20, 30 cents an hour, and we bring the products back into this country. Anyone who goes shopping in a mall knows how difficult it is today to find a product made in America, but that is a plus.

I have to say, in that regard, the champion—and he is honest on this one. Senator MCCAIN has been criticized recently for not being the most honest candidate we have seen in terms of his answers and so forth, but he has been honest on this one. He has been the lead advocate of unfettered free trade. This is an important part of this rightwing ideology: that it is good for America that corporations can go to China and bring products back into this country. But the third pillar of this rightwing ideology that I want to discuss this afternoon, and perhaps the most pertinent to the crisis we are now facing, is over and over again what we have heard from President Bush, what we have heard from Senator MCCAIN, what we have heard from many of our Republican friends is, deregulate, deregulate, deregulate; that the government has to get out of the way so that ExxonMobil and the other large multinational corporations can do all of the wonderful things they will do to create wealth in America.

I will just give one example. It is not a major example but a humorous example. All over this country, Madam President, parents who have little kids who play with toys have been worrying about the toys and the quality of the toys coming into this country. It was recently learned that at the Consumer Product Safety Commission, because of that ideology of deregulation, there was one guy, one person whose job it was to test all of the toys, thousands of different types of toys coming in from China and every other country in the world—many of them unhealthy, many of them having toxic ingredients in them. Because of deregulation, because we have great faith in these companies bringing toys in from China, we didn't even have to have a strong regulatory system. I am happy we have moved in that direction in the last few months, but that was the case.

The deregulation mantra goes obviously a lot deeper than toys. Let me focus for a moment on this issue of deregulation because it is at the heart of the current financial crisis we are facing. I want to say a word about the

former Senator who, it turned out, was the chief economic adviser to Senator MCCAIN and who actually was the leader on deregulation.

I know in politics things change from yesterday to today. I have not heard Senator MCCAIN's last pronouncement. I guess he wants to regulate everything today. But yesterday and in the rest of his career he was a champion of deregulation and his major economic adviser was a gentleman named Senator Phil Gramm, formally the Senator from Texas.

To review a little bit of what Senator Gramm's role was in pushing us toward this deregulatory society, as chairman of the Senate Banking Committee in 1999, Senator Gramm spearheaded legislation that bears his name. It is not a great secret, it is his legislation, the so-called *Gramm-Leach-Bliley bill, and that broke down critical regulatory safeguards the Government had put in place after the Great Depression to prevent—what? To prevent exactly what we are seeing today. Senator Gramm spearheaded that effort and broke down those firewalls.

Having laid the groundwork for our crisis in the financial sector, the very next year Senator Phil Gramm is credited—and I do not think there is a lot of debate about this—with slipping into a large unrelated bill legislation that deregulated the electronic energy markets, including, of course, oil. There are leading energy economists—who have testified over and over again just this week, among other committee hearings before Congress—who are telling us that as a result of the deregulation of the energy futures market, 50 percent of the cost of oil, when it was at its peak of $147 a barrel—50 percent of that was due to speculation and that speculation was allowed to take place because of the deregulation of the energy futures market spearheaded by Senator Gramm.

We are seeing what deregulation did to the financial institutions, what it has done to energy prices, but that is not enough. Senator Gramm was a very aggressive and a very effective, if I might say so, Senator. As we all know, the Federal Government is in the process of nationalizing AIG and bailing them out to the tune of $85 billion. AIG, as we all know, is the world's largest insurance company.

It also turns out that the AIG situation is closely tied to the same extremist ideology that has been pushing us toward economic disaster. A key part of the responsibility for AIG's collapse lies once again with this same key Member of the Senate, Senator Phil Gramm, and his rightwing ideology. It turns out that Senator Gramm slipped a 262-page amendment—I always find it amusing how you can ''slip'' a 262-page amendment—into a larger bill that was instrumental in creating, and I know this number is a little bit difficult for anybody in the world to digest, a $62 trillion market for very risky, unregulated financial investments called credit default swaps, that are central to AIG's meltdown.

This is extremely complicated. Very few people understand anything about it. But we are talking about an unregulated $62 trillion market for credit default swaps, which played a major role in the collapse of AIG and the fact that the Federal Government is now in the process of bailing that company out.

As an online article from Time Magazine explains, AIG's traditional insurance business was doing well. In other words, when they were in the business that they had historically been in, actually they did quite well. But what AIG got involved in was more than traditional insurance. They got involved in risky derivative schemes called credit default swaps, or CDSs, that allowed big companies to guarantee each other's risky lending practices. The point here in this whole complicated scheme of things is that all of this is deregulated primarily because of the efforts of Senator Gramm. The big, bad Federal Government no longer can protect consumers, can protect our economy because we are going to trust all of these guys who are playing in a $60-plus trillion business.

In order to give the American people a full understanding of the risks posed by these unregulated credit default swaps, I wish to quote briefly from a September 15 article by Professor Peter Cohen, a graduate of the Wharton School, that details the full scope of the problem we face and the role Senator Gramm had in its creation. Let me quote from Professor Cohen.

> Lurking in the background of this collapse of two of Wall Street's biggest names, is a $62 billion segment of the $450 trillion market for derivatives that grew huge thanks to John McCain's chief economic advisor, Phil . . . Gramm. That's because in December 2000, Gramm, while a U.S. Senator, snuck in a 262-page amendment to a government reauthorization bill that created what is now the $62 trillion market for credit default swaps. I realize it is painful to read about yet another Wall Street acronym, but this is important because it will help us understand why the global financial markets are collapsing. . . . CDSs are like insurance policies for bondholders. In exchange for a premium, the bondholders get insurance in case the bondholder can't pay. . . . In the case of the $1.4 trillion worth of Fannie Mae and Freddie Mac bonds, the Government's nationalization last Sunday triggered the CDSs on those bonds. The people who received the CDS premiums are now obligated to deliver those bonds to the ones who paid the premiums.

Professor Cohen continues:

> Gramm's 262-page amendment, dubbed the ''Commodity Futures Modernization Act,'' according to the Texas Observer, freed financial institutions from oversight of their CDS transactions. Prior to its passage, they say, banks underwrote mortgages and were responsible for the risks involved. Now through the use of CDSs—which in theory insure the banks against bad debts—those risks are passed along to insurance companies and others . . .

wrote the Texas Observer. I will not go on.

The bottom line is Gramm, who is MCCAIN's leading financial adviser, spearheaded the effort to deregulate financial services that opened up this huge unregulated market. The result of that has played a significant role in placing us where we are right now.

We can go on and on. This is complicated stuff and I am sure there are people who can talk about this for many hours. In my view, the time for hand wringing is over. What we have to understand is the efforts of President Bush to ''deregulate, deregulate,'' and those of Senator Gramm, Senator MCCAIN and many others, was wrong. It largely contributed to where we are today.

It seems to me that Congress right now needs to put an end to this radical deregulation. We need to put the safety walls back up in the financial services market.

I was a member of the Banking Committee in the House in 1999 when this whole issue was discussed. Many of us then—a minority, but some of us then—saw exactly what was in line to occur. Some of us at least voted against it.

What we have to do now is understand that we need to reregulate the electronics energy markets, we need to end the unregulated credit default swaps. Unfortunately, the response we have been hearing from the administration and from Wall Street is not to do that but in fact to move us in another direction, which is to push for further consolidation in the financial services sector.

I have a very simple question. Do I hope I am wrong on this one, but I fear I may not be. That question is: What happens when these now even bigger entities, these multi-multi-multibillion dollar corporations—what happens when they run into trouble in the future? None of us hope that happens, but what happens if that does occur? Once again, clearly, it will be the American people who will be on the hook.

This country can no longer afford companies that are too big to fail. If a company is so large that its failure would cause systemic harm to our economy, if it is too big to fail, then it is too big to exist. What we need to do right now is to assess which companies fall into this category.

For a start, I don't think you need to be a Ph.D. in economics to understand this. I think Bank of America, if I may be allowed to say so, is certainly one of those companies. Let's take a look at Bank of America. It is the largest depository institution in our country. It has assets of $1.7 trillion; $711 billion of that money comes from bank deposits representing over 10 percent of all bank deposits in the entire country—one bank, 10 percent of all bank deposits.

In August, the Bank of America bought Countrywide, the largest mortgage lender in the country. And then last week it bought Merrill Lynch, the largest brokerage firm in America. There is so much concentration of wealth in the Bank of America that clearly, if it were to fall in the future,

what do you think the U.S. Government is going to say? You can absolutely expect that the President or the Congress will say: My God, we can't allow Bank of America to fall. Because if they fall, it will impact the entire national economy, the entire world economy. The taxpayers of this country are going to have to bail out Bank of America.

My suggestion is before we allow ourselves to be in that position, maybe we make certain the Bank of America never is allowed to have that kind of power.

In my view, we should not be making Bank of America bigger; we should be breaking it up. We should start that process today and we should be breaking up other large financial institutions that are ''too big to fail.''

Finally, in terms of dealing with this unfolding disaster, we need to make certain that working Americans, the middle class of this country, are not asked to foot the bill for the current economic crisis that was brought to us by these large multinationals. If the economic calamity requires a Federal bailout, it should be paid for by those people who actually benefited from the reckless behavior of people empowered by the extreme economic views of Senator Gramm, President Bush, and Senator MCCAIN.

Right now, today, the wealthiest one-tenth of 1 percent earns more income than the bottom 50 percent. That gap between the very rich and everybody else is growing wider. We have the dubious distinction of having by far the most unequal distribution of income in the world, and on top of that the richest 1 percent owns more wealth than the bottom 90 percent.

The wealthiest 400 Americans—this is a startling figure that for obvious reasons people don't talk about too much, but this is amazing. The wealthiest 400 Americans in this country have not only seen their incomes double, but their net worth has increased by $670 billion since President Bush has been in office. Four hundred families have seen their net worth double and increase by $670 billion since President Bush has been in office.

Amazingly, the wealthiest 400 families in our country are now worth over $1.5 trillion—400 families. On average they earn over $214 million a year. As a result of President Bush's policies and the policies of our Republican colleague, the tax rate for these families has been cut almost in half, to 18 percent.

Amazingly—and this is a clearly a national disgrace—the wealthiest 400 families pay a much lower tax rate than most police officers do, than nurses do, than teachers do, than firefighters do.

Now, what does this say about us as a nation or about our politics, or the power of the wealthy over Government, when the middle class is paying a greater percentage of their income, a middle class which is in decline, a middle class where millions of workers have seen a reduction in their wages, and yet they are paying a higher percentage of their income in taxes than the very richest people in America?

It is this very small segment of our population which has made out like bandits, frankly, during the Bush administration. In my view, we need an emergency tax on those at the very top to pay for any losses the Federal Government suffers as a result of efforts to shore up the economy.

In other words, before we ask the middle class to pay more in taxes, before we ask working families to pay more in taxes, it is obvious to me that it is simply fair and right to go to those groups, that group of people who have benefited most out of Bush's policies, who have seen their incomes and their wealth soar. Let's ask them to help us bail out the economy rather than the working families who had nothing, nothing to do with this crisis, and, in fact, who have suffered under the 8 years of President Bush.

Before I finish, I wish to step back for a moment and examine this current crisis in the context of who our Government represents. What does it say about an administration that is prepared to put $85 billion at risk to bail out AIG but which has fought tooth and nail against programs that benefit working families all over this country? In my State of Vermont, people are worried about going cold this winter. And yet President Bush wanted to make hundreds of millions of dollars in cutbacks for the LIHEAP program that keeps people warm because we did not have enough money to do it.

We have enough money to provide hundreds of billions of tax breaks for the top 1 percent, we have enough money to spend $10 billion every month in Iraq, we have enough money to bail out AIG and Bear Stearns, but somehow we do not have enough money to keep people warm, to make sure that young people can go to college, to make sure that working people have affordable housing?

Since George W. Bush has been in office, nearly 6 million Americans have slipped out of the middle class and into poverty; over 7 million Americans have lost their health insurance; more than 4 million Americans have lost their pensions; over 3 million good-paying manufacturing jobs have been lost; total consumer debt has more than doubled; the median income for working-age Americans has gone down by over $2,000, after adjusting for inflation.

The interesting question to ask is, in the midst of that crisis facing tens of millions of working families, where has President Bush been? Where has his voice been in saying we have got to bail out working families who are seeing the decline in their standard of living and are falling into poverty? We have got to protect old people who are going to go cold this winter. We have to make sure that everyone in our country is able to get a decent education and can afford college. We have got to make sure that all Americans have health insurance. I have not heard the President say we need to bail out the middle class or working families, but he surely has been there to bail out large multinational corporations.

The American people deserve better. We need to reject the failed economic policies and priorities of President Bush and JOHN MCCAIN. We need a government that is not going to allow the wealthiest people and the largest corporations to loot our economy. We need a government that will put regulatory firewalls back in the financial sector and end the use of unregulated credit swaps. We need a government that is going to prevent speculators from stealing from them at the gas pump. We need a government that breaks up corporations that are too big to fail. We need a government that is going to view the problems of ordinary Americans as almost as important as they view the needs of large multinational corporations.

In other words, we need a government that represents the people of this country rather than just the wealthy and large multinationals.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

THOMAS VANDER WOUDE

Mr. BROWNBACK. Madam President, we also, I think, need a government that will stand up for the weakest and most vulnerable amongst us as well.

I have got a real story of human heroism that I wanted to share with the body, and then I am hopeful we can agree to a piece of legislation that Senator KENNEDY and I have done that has been rolled into this bigger package that has drawn a lot of difficulty.

But this is a piece Senator KENNEDY and I have worked on for a couple of years now. There is no reason for this to be blocked. So I am hopeful we can then move to it and pass it through this body, move it on forward.

I have got a picture of a gentleman. I want to show you a wonderful man. This is Thomas Vander Woude. This is an incredible story here in the suburbs around Washington, DC. On September 8, Thomas Vander Woude returned from mass that he had gone to in Gainesville, VA. He attended mass regularly and was working in his yard with his youngest son, who is 20 years old, Joseph. He is known by the family as Josie. Josie is a Downs syndrome adult. He fell through a 2 foot by 2 foot piece of metal that covered an opening to a septic tank, Josie did. His dad Thomas immediately rushed to his aid. According to an account in the Washington Post, when he saw that Joseph could not keep his head above the muck, Vander Woude, who was 66, jumped in the tank, ''submerged himself in sewage so he could push his son up from below and keep his head above the muck.''

Tom Vander Woude saved his son, but he drowned in the process. As it is stated so eloquently: There is no greater love than to lay down your life for another. And Tom Vander Woude laid down his life for his 20-year-old Downs syndrome son. This is a beautiful story that has taken place of the dedication of a father for his son, an act of heroism, but in his quiet life of dedication to his son, to his wife Mary Ellen of 43 years, to his six sons, 24 grandchildren, and to his country.

Tom served his Nation as a pilot in Vietnam, and after the war worked as a commercial airline pilot. Around the community of Gainesville, though, he was known as a generous neighbor, a volunteer at church, a basketball and soccer coach for the high school in Manassas that five of his sons attended.

He was also a farmer, something dear to my heart, I know to the Chair, the Presiding Officer as well. Most of all, he was known as Josie's devoted dad. Wherever you found Tom—at a game, at church, helping a neighbor—there was Josie, lending a hand.

Tom Vander Woude knew the value of his son's life. He considered it so precious that he gave his own to save it. He never considered the special care and attention that Joseph required because of his Downs syndrome, he never considered that a burden to the family. On the contrary, ''he always considered Joseph a wonderful blessing to the family,'' a special gift from God who brings out the best in his family and the lives of all of those he touches.

This is true of so many families who have children with difficulties. They find that through all of the difficulty and trial of caring for and providing for their child who has a mental disability, these special individuals are ambassadors of love and of understanding, filled with an openness and unconditional affection that acts as a humanizing force of compassion in their families and in their communities.

But we have to be open to this kind of gift and to the potential of every human life to make our world a better place. Now that I reflect on Tom Vander Woude and the value he placed on the life of his son, I also thought of Sarah Palin and what she said about her son, Trig, born in April. When the Governor and her husband Todd were told last year that the child she was expecting in May would be born with Downs syndrome, they knew that ending that pregnancy was never an option for them. After all, why would it be? ''We understand,'' she was quoted as saying at the time, ''that every innocent life has wonderful potential.''

The problem is that between 80 and 90 percent of the children diagnosed with Downs syndrome in the United States will not make it to the world, simply because they have a positive genetic test in prenatal screening, tests which can be wrong, by the way. I have had a number of people come up to me and say they had a positive Downs syndrome designation and the child was born and the child did not have Downs syndrome.

America is poorer because of this. To deny children with disabilities a chance at life will make us more insensitive, callous, and jaded, and will take away from the diversity of American life. I do not think this is what we were meant to do.

So Senator KENNEDY and I, for about 2 years now, have been working on a bill. What we are trying to do with this bill is to see that more Downs syndrome children make it here and get here. It is a pretty simple bill that establishes a registry of people who are willing to adopt Downs syndrome children. So that if someone gets that diagnosis and they say, I cannot handle it, fine. The answer is not to kill the child, the answer is to put the child up for adoption. We have got people willing to adopt it, and also to put forward information to people about the current condition of a Downs syndrome child and what all is available, because a lot is available for this child.

So we worked a long time, got the spending lined up—we are in good shape on that—and we are ready to move forward with this so we can get more of these special kids here.

What I was hoping we can do, and we had it almost passed through, and then this got caught up in the clutter of things, was that we could get this bill hot-lined—Senator KENNEDY's sister is a big proponent of this, has done great work with the Special Olympics—that we could do this. It got caught up in this overall package. Nobody objects to this bill. What I would like to see us do is let us take the pieces of this overall omnibus that we can agree to and let's do them. So then we have got some progress that is being shown.

UNANIMOUS-CONSENT REQUEST—S. 1810

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 701, S. 1810, the Prenatally and Postnatally Diagnosed Conditions Awareness Act. The lead sponsors are Senator KENNEDY and myself.

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 a third time and passed, the motion to reconsider be laid upon the table with no interviewing action or debate, and that we can get more of these special children here.

The PRESIDING OFFICER. Is there objection?

Mr. SANDERS. On behalf of the leadership, I object. This bill, as I understand it, is part of a number of bills that are noncontroversial and are going to be included together.

UNANIMOUS-CONSENT REQUEST—S. 3297

Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 784, S. 3297; the bill be read a third time and passed; and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BROWNBACK. I object.

Madam President, I would say, let's take pieces of that overall big bill that we can agree to.

UNANIMOUS-CONSENT REQUEST—S. 1810 AND OTHERS

I ask unanimous consent that we agree to consider S. 1810 which I cited, and then the PROTECT Our Children Act, and the Effective Child Pornography Prosecution Act—they have all been considered and cleared on both sides—and we move to the immediate consideration of those.

The PRESIDING OFFICER. Is there objection?

Mr. SANDERS. On behalf of the leadership, I object. I understand that is contained within a group of other noncontroversial bills.

Mr. BROWNBACK. Madam President, I hope we could move forward with this. It would show that we can get something done in the body. There is no objection. We have worked on this for multiple years. We have got the funding worked out. This is a time in the country where people have heightened awareness of the genetic discrimination that takes place in utero. We have passed bills here that said you cannot discriminate against an individual for their genetic type once they are born, but in utero they are killed. That surely is not something that people want or defend or think is right.

This is not even a limitation on that. It is saying that all we are going to do here is establish a registry and provide current information if you get a Downs syndrome designation. I hope in the interest of this wonderful gentleman Tom Vander Woude we could see this considered. I am sad that we are not doing that in this particular situation.

The day after Trig was born to the Palins, they released the following statement. I thought it was so beautiful, I will read it here:

> Trig is beautiful and already adored by us. We know through early testing he would face special challenges. We feel privileged that God would entrust us with this gift and allow us unspeakable joy as he entered our lives. We have faith that every baby is created for good purpose and has potential to make this world a better place. We are truly blessed.

All we are asking is that more people would really have that opportunity to do that or, if they don't feel they can handle it, to put that child up for adoption on a registry that we establish. It would be an important thing for us to be able to move forward with. I am sorry we cannot get that piece done here today.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SALAZAR). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MILITARY VOTING PROTECTION ACT

Mr. CORNYN. Mr. President, as the Senate knows, yesterday we voted to pass the Defense authorization bill. However, one of the casualties of yesterday's process—which was unique, to my knowledge; we actually had only two rollcall votes on amendments to the Defense authorization bill, which I don't think has ever happened before, and many important amendments were blocked by the process, amendments that might have been included in the managers' package. I wish to mention just one of those, which is the Military Voting Protection Act.

This was originally offered as a freestanding bill earlier, but then it changed to become an amendment to the Defense authorization bill because we thought it was particularly appropriate, as we were dealing with the needs of the men and women in uniform around the world, that we also respect and enforce their right to cast a vote.

We know from 2006 statistics alone that of all of the eligible civilian and military voters around the world who were eligible and who actually requested an absentee by mail ballot, only 5.5 percent of those votes were actually counted. That is a disgraceful statistic and one we need to do something about.

I compliment Senator LEVIN, Senator FEINSTEIN, and others for working with us during the process of the Defense authorization bill to come together on what I believe was a clear and acceptable amendment to all sides, but because of the bizarre process we found ourselves in yesterday, this bill was basically a casualty of that process, as I say.

So what I am hoping to do is take a bill we worked on that is very important in order to protect one of the most important civil rights of our men and women in uniform—the right to vote—and hopefully, by unanimous consent today, we can pass this bill and get it on its way to the President for signature in due course. I don't see any reason, since we did work together on this on a bipartisan basis and it has been cleared by both sides, there would be any objection.

UNANIMOUS-CONSENT REQUEST—S. 3073

Mr. CORNYN. So let me ask unanimous consent at this time that the Rules Committee be discharged and the Senate proceed to the immediate consideration of S. 3073, the Military Voting Act.

I ask unanimous consent that the amendment at the desk be agreed to—by the way, that is the amendment we worked on with Senator BENNETT, the ranking member, and Senator FEINSTEIN, the chairman of the Rules Committee, together with Senator LEVIN and Senator WARNER. I ask unanimous consent that 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 at this point in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. BROWN. Mr. President, I object on behalf of the leadership, as the Rules Committee needs time to look at this and digest this and figure this out to try to work something out. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CORNYN. Mr. President, I am disappointed that the other side would object. This is the same amendment that was already cleared by the Rules Committee, so I don't understand what the process is that the Senator is referring to. I hope this isn't just another delay tactic. It is something that really cries out for us to address.

I have to say, when I travel back to my State and talk to my constituents, they absolutely believe this Congress is dysfunctional. If we can't find some way to come together on a bipartisan basis to pass noncontroversial voting rights protection for our military such as this, I guess there is not a lot of hope for doing other, perhaps more complicated, more involved things.

This is very straightforward. To have an objection to this bill which has already been worked on and cleared through the process and which was a casualty of the bizarre process by which we adopted the Defense authorization bill, without any right, really, to offer any amendments such as this, is, frankly, beyond me.

In the remaining few days this Congress is in session, I hope whatever concerns the Senator was referring to which have not been made known to me will be addressed. I will come back here every day, if necessary, and offer a similar unanimous consent request. I would ask those on the other side who object to the passage of this bill to offer me some explanation for what the specific concern is. If there is a problem we can eliminate by working with them, we would be glad to do it. But to just stonewall this important amendment to protect one of the most basic civil rights for our men and women in uniform—the right to vote—is, frankly, beyond me.

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

The PRESIDING OFFICER (Mr. WEBB). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ENERGY

Mr. BINGAMAN. Mr. President, I want to take a few minutes to express my strong support for the so-called extenders package, which includes the Energy Improvement and Extension Act and will come before the Senate, as I understand it, as early as this afternoon.

Passage of this bill is very important for the country and will have wide-reaching impacts. It will reduce U.S. dependence on foreign oil, curb greenhouse gas emissions, create hundreds of thousands of American jobs, promote R&D in our innovative industries, ease fiscal burdens on rural counties, and reduce the tax burden on middle-class families.

The bill demonstrates the critical role that tax incentives can play in addressing our country's most pressing challenges.

Let me focus today on the very robust package of tax incentives for clean, renewable energy, and energy efficiency. Those are incentives I and many of my colleagues have worked on since the beginning of this Congress. We have already taken eight votes this Congress on various versions of this energy tax package. Unfortunately, as the ''green'' energy sector has sat by and production has slowed in that sector, and as skyrocketing gas prices have made our dependence on foreign oil more apparent than ever, our energy tax incentives have been hostage to a broader dispute between the parties concerning whether, and how, to offset the costs of extending various tax provisions. I am very pleased that after a number of false starts, we appear, finally, to have reached a compromise.

The compromise will enable us to become a more energy-efficient nation. It will wean us off of our dependence on fossil fuels. It extends the production tax credit by 1 year for wind energy and by 2 years for other qualified renewable sources. I had hoped we could achieve a longer term extension of the production tax credit, but this is all that could be afforded within the package's cost constraints. Undoubtedly, this bill's extension of the production tax credit will enable our renewable industries to stay afloat. Today, I want to state my commitment again to work for a long-term extension of the production tax credit, which is very much needed, which I hope we can achieve in the next Congress.

This package, however, includes long-term extensions for tax credits that make distributed green energy technologies affordable for American businesses and families. The investment tax credit, which gives businesses a 30-percent tax credit for investing in solar, wind, geothermal, and ocean energy equipment, is extended for a full 8 years. So, too, is the residential energy efficiency property credit, which gives families a 30-percent tax credit for the cost of installing solar equipment at

their residences. That is an 8-year extension of that provision, which is very good news for many Americans.

For both of these tax incentives, the bill expands the classes of qualifying equipment. This means businesses and families will have added flexibility in choosing the energy-saving technologies that make the most sense for them. Both credits are expanded to include small wind technologies that are used for onsite energy production, and geothermal heat pumps, which can use the Earth as either a heat source, when operating in heating mode, or a heat sink, when operating in cooling mode. There are already more than 1 million geothermal heat pumps installed in the United States, and those who have installed them can save up to 70 percent annually on their utility bills. So when this bill becomes law, families will be able to choose among installing solar technology, small wind technology, and geothermal heat pumps in their homes, and the 30 percent tax credit will be available for any of those installations. In case of solar electric investments, we greatly improve the incentive by removing the current $2,000 credit cap.

The bill also expands the business credit to include combined heat and power systems, which use a heat engine or power station to simultaneously generate both electricity and useful heat. Businesses that install these systems are able to get both heat and electricity from the same source, which decreases both energy costs and greenhouse gas emissions.

The benefits of these investments, these incentives, go far beyond energy independence, greenhouse gas reduction, and energy cost savings. They will enable U.S. firms of all sizes to add a great many ''green'' jobs on American soil. The Navigant Consulting organization recently put out a report estimating that the 8-year extension of the solar credit that I have just talked about will create 1.2 million employment opportunities in this country, including 440,000 permanent jobs, and $232 billion in domestic investment. Solar energy is already an important economic engine in my State of New Mexico. I am very pleased this extension is anticipated to add an additional 12,000 direct jobs in my State and 7,000 indirect jobs.

Shifting to the need to reduce demand for petroleum, the bill creates a new plug-in electric drive vehicle credit. We are hopeful that plug-in electric vehicles will come to the market next year and that the Government will help individuals purchase these vehicles through tax credits. This bill provides those tax credits will start at $2,500, and they will climb as high as $7,500, depending upon the battery capacity of the particular vehicle.

For commercial vehicles, the bill adds incentives for idling reduction units, which provides an alternative source of power used to heat, cool, or provide electricity to the cab or other parts of the truck. There are more than 200,000 trucks carrying refrigerated cargo around this country any day. The fleet owners will be incentivized to install advanced insulation on those trucks that can dramatically reduce the amount of gasoline those trucks consume trying to keep that cargo cool. So this is a very important provision.

Finally, the bill addresses our conservation and efficiency needs. It extends credits for energy-efficient improvements to new and existing homes and commercial buildings. Because energy used to heat and cool residential and commercial buildings accounts for nearly 40 percent of U.S. energy consumption—and nearly as much of our carbon dioxide emissions—these tax incentives are especially important. Owners of existing homes will be able to claim a tax credit of up to 10 percent of the combined costs from all qualified electric efficiency improvements, such as installing insulation in their homes, replacing windows, water heaters, and high-efficiency cooling and heating equipment. For new homes, there is a $2,000 tax credit for a home builder who constructs a qualified new energy-efficient home, certified to achieve a 50-percent reduction in energy usage. With new homes likely to remain part of our Nation's housing stock for more than 60 years, we need to make sure that builders have the right incentives to make energy efficiency a top priority. Owners of commercial buildings will continue to be able to deduct up to $1.80 per square foot of building floor area if they achieve a 50-percent energy savings target through energy reductions for the building's HVAC and interior lighting system.

With this addition to the provisions related to energy, American businesses are counting on Congress to enact this package because it contains an extension of the R&D development tax credit. It contains important tax relief for American families. It patches the alternative minimum tax to prevent it from engulfing millions of additional hard-working families. It lowers the income threshold for the $1,000 child tax credit from $12,000 to $8,500. That change alone enables 25,000 New Mexico children to newly qualify and an additional 94,000 to receive a larger credit than under prior law.

It extends the qualified tuition deduction for higher education expenses. That is a deduction of up to $4,000 that helps more than 4.4 million middle-class families meet the cost of sending their children to college.

Finally, the bill includes the secure world schools provisions and the payment in lieu of taxes provisions. These are extremely important for Western States in particular but for virtually all of our States.

As to the payment in lieu of taxes, let me talk specifically about that issue. We increase funding for payment in lieu of taxes in the current fiscal year. We fully fund the program for 4 years. These Federal payments are essential to local governments, including many in my State, in order to offset the losses and property taxes due to nontaxable Federal lands located within their boundaries. This funding is long overdue, and it is more desperately needed now than ever before.

Passage of this legislation, this energy incentives package, will demonstrate to the American people that we are willing to shift our tax priorities in a new direction toward a national energy policy that promotes diversified domestic sources of clean energy.

It furthers the significant progress we made in recent years with respect to promoting investment in efficiency and the renewable energy technologies that can help grow our economy. And beyond energy issues, it addresses key concerns of American families, businesses, and municipalities.

I applaud the various Senators who have had a major part in the development of this legislation, particularly Senator BAUCUS and Senator GRASSLEY, but also our leadership, both the Democratic and Republican leaders, for bringing us together around this package.

Mr. President, I yield the floor.

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

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

UNANIMOUS-CONSENT REQUEST—H.R. 6049

Mr. REID. Mr. President, as we speak, the financial turmoil of this country is ongoing. One way we can help is create some jobs, and that is what this legislation regarding the tax extenders would do.

We have waited for months for this legislation—months. It seems to me we should move forward. I am so disappointed that it has taken so long to get where we are. It has been months.

Senators have worked for a long period of time. We had a problem early on about how we were going to pay for it. I admire and respect the work done by Senators CANTWELL and ENSIGN. They have worked very hard. It was a bipartisan effort to move forward. We have Senators BAUCUS and GRASSLEY who have worked very hard, joining with Senators CANTWELL and ENSIGN to move this legislation forward. We have a program to do this.

The longer we wait, the more difficult it is. We are in the waning hours of this legislative session, and there is going to be a lot of hue and cry that we not go home now. There is all this financial turmoil.

I tell everyone here, we should try to complete our work. The committees have a right to meet, even if we are not in session. And if there is something they come up with that we need to do, the President can call us back within a matter of minutes.

So let's try to get the work done that we know we have to get done now. The work we know we have to get done now is to get the tax extenders passed. We have to do something on energy that is nontax related, we have to do something on stimulus, and we have to do something on a CR. There are other issues we can work together to get done. But here it is Thursday afternoon. It is 2:30 in the afternoon.

I am going to ask for consent. It is something I have discussed at length publicly. I have discussed it privately with the Republican leader. We want to get this done. I think that is a fair statement.

It is never quite enough. There are some people who never can quite get enough. They want a little bit more. In the Senate, as it is set up, a person or two can wreak havoc with what is going on around here. I hope people understand that if we don't get this bill done, it is going to add to the financial catastrophe we are facing in our country.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 6049, energy extenders, at a time to be determined by the majority leader, following consultation with the Republican leader; that when the bill is considered, it be considered under the following limitations: that there be 60 minutes of general debate on the bill, equally divided and controlled by the leaders or their designees; that the only first-degree amendments in order be the following, with no other amendments in order and that they be subject to an affirmative 60-vote threshold, and that if the amendment achieves that threshold, then it be agreed to and the motion to reconsider be laid upon the table; that if the amendment does not achieve that threshold, then it be withdrawn; that each amendment be subject to a debate limitation of 60 minutes equally divided and controlled in the usual form: Baucus-Grassley substitute amendment regarding energy tax extenders with offsets; Reid or designee perfecting amendment regarding AMT with offset; Baucus-Grassley perfecting amendment regarding tax extenders, amendment without full offset; that it be in order for Senator CONRAD to raise a budget point of order against the amendment; that once the debate time has been used or yielded back, the motion to waive the applicable point of order be considered to have been made; further, that if the motion to waive is successful, then the amendment be agreed to and the motion to reconsider be laid upon the table; that if the motion to waive is not successful, the amendment be withdrawn, and that Senator CONRAD control up to 10 minutes of time during debate on this amendment; provided further, that regardless of the outcome of the vote with respect to the Baucus-Grassley substitute amendment, the Senate vote in relation to the remaining two amendments covered in this agreement; that the votes in relation to the above-listed amendments occur in the order listed after the use or yielding back of time; that upon disposition of all amendments, the bill be read a third time and the Senate proceed to vote on passage of the bill, as amended, if amended, with no intervening action or debate.

I will say this before asking for acceptance of this consent request. It is Thursday afternoon at 2:30. This bill has to go to the House of Representatives. I had somewhat long conversations with the Republican leader. I think this is going to work out fine. The longer we wait, the more difficult time we are having getting this through all the hoops that need to be jumped. So I hope people will allow us to go forward with this bill.

The PRESIDING OFFICER. Is there objection?

The Senator from Texas.

Mr. CORNYN. Mr. President, reserving the right to object, I share the majority leader's hope that we will be on a glidepath toward completion of the Senate's business on a timely basis. I largely support the provisions of this bill.

We have been consulting with the Finance Committee chairman, Senator BAUCUS, and Senator GRASSLEY, the ranking member, and in good consultation with the staff. The problem is that as proposed, my State, the State of Texas, where 2 million people are without power because of the devastation of Hurricane Ike, are being treated in a discriminatory manner under some of the provisions of this bill.

I am hopeful—indeed, I am optimistic—that we can work through these issues. Our initial discussions have been very productive. I expect we will be able to reach some resolution, but we are not there yet.

For that reason, I reluctantly object.

Mr. REID. I ask through the Chair a question: When? That is the question. When is all this going to be worked out, if it is going to be worked out?

Mr. CORNYN. Mr. President, I say to the distinguished majority leader, we have had productive meetings, as I said, with the Finance Committee staff and the Joint Tax staff. We are consulting now with the Governor of our State and with other officials who have responsibilities in the areas most affected by this devastating hurricane.

We think after consultation, hopefully over the course of the afternoon, we can wrap this up. But it is going to take all of us working together to try to reach that resolution. I am hopeful we can get there, but we are not there yet.

Mr. REID. Mr. President, I will say this: I received a call from the Governor of Louisiana and the Lieutenant Governor of Louisiana. Everyone wants more. When is enough enough? We know Texas has been hit hard by this storm, and our hearts go out to the people without homes and without power. We understand that. But this is not the last train through this body. We are going to have a stimulus bill and a continuing resolution. Let's finish this bill. No one wants to leave Texas without the resources they need, but we need to complete this legislation now.

I say, if I heard my friend right, they are going to have to work through the afternoon to do this? What do we do with the State of Louisiana? Do we have to wait now to match that, that they get their fair share, as comparing it to Texas? As I said, there is other business we have to complete before we leave. One of them is a continuing resolution.

I say to my friend, if he doesn't get everything he wants on this bill, wait until then. We need to get this done; otherwise, we are going to be in a bottleneck, and there is no way in the world we can finish this work we have to do by a week from tomorrow.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The objection is heard.

The Republican leader.

Mr. MCCONNELL. Mr. President, let me say to my good friend from Nevada, this is a very legitimate concern that the Texas Senators have. They are working diligently, as the junior Senator from Texas indicated, with Senator BAUCUS and Senator GRASSLEY.

I support this bill; the majority leader supports this bill. It has broad bipartisan support. I assure my good friend the majority leader that there is not an effort here to try to slow down the passage of this extender package. But we would like to get it right, if we can, and this is a legitimate concern the Texas Senators have. I am convinced that they are working as rapidly as possible; that Senator BAUCUS and Senator GRASSLEY are sympathetic to their concerns and, apparently, think they are legitimate concerns that could be addressed. So I would like to try to cheer up my good friend the majority leader that maybe progress is just around the corner.

Mr. ENSIGN. Mr. President, I hope this can be worked out very quickly, and I applaud both the majority leader and the Republican leader for their efforts to get passed the renewable energy tax bill that Senator CANTWELL and I have worked so hard on this entire year. I also want to thank Chairman BAUCUS and Ranking Member GRASSLEY for their work in putting this whole package together. We have been working the last couple of weeks trying to come up with a compromise and we are finally almost there.

The Ensign-Cantwell Clean Energy Tax Stimulus Act passed the Senate by a vote of 88 to 8 back in April. The bill was not paid for at that time, and the

House of Representatives did not want to see a bill like this enacted into law without it being paid for. So over the last couple of weeks, we have worked to make sure there was an offset and to make sure this offset was not going to be damaging to further exploration of other new energy. While producing more green energy, we do not want to hurt the production of other types of energy. So we worked hard to do that, and I think we have succeeded in this bill.

This bill will create at least 440,000 permanent jobs just in the solar energy sector alone, and Senator CANTWELL and I are very proud of this legislation. It is critical we get this passed before we leave town. We need to enact proper policies to help create more jobs all over the United States right now. The economy is in trouble, and this is a shot in the arm to the economy which also will produce more green power for the United States, makes us less dependent on foreign sources of energy, and it is the right thing to do.

We want to join together to push this important legislation through, and obviously we have to work to make sure the House of Representatives takes up the bill and passes it in time to get to the President's desk. I am convinced the President will sign it.

The renewable energy tax extenders will be combined with AMT relief and other business extenders that are important for our entire economy, especially to the high-tech sector of our economy.

The American people are calling for bipartisanship. Senator CANTWELL and I have joined together and have been working very hard to get the rest of the Senate, including the two leaders and the Chairman and Ranking Member of the Finance Committee, to go along with us. This is the time for bipartisanship to show that we are Americans first and that we can join together to accomplish important tasks.

I hope we can go to this bill as quickly as possible, get it passed through the Senate and on to the House of Representatives, where I hope they will pass it. Then we can send this bill off to the President so we can see these renewable projects begin—these important projects on solar, on wind, on geothermal, on biofuels, and on so many other things.

In my State, there are a lot of people who would like to add solar panels to their homes to help produce their own electricity. Current law just doesn't work effectively enough to incentivize that activity. The credits are not right. There is no predictability. Financially, it just doesn't pay off. With the bill we have on the floor, there would be a financial payoff to actually encourage homeowners to put solar panels on their homes where there are States, such as mine, that have a lot of sunshine.

This is an important bill, and once again I thank my colleague from the State of Washington, Senator CANTWELL. She has been absolutely fabulous to work with this on this, both she and her staff. I appreciate both our staffs. Jason Mulvihill on my staff, and Lauren Bazel and Amit Ronen on Senator CANTWELL's staff, are working together on this so that hopefully we can get this bill done as soon as possible.

I yield the floor so Senator CANTWELL can make a few comments.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I do wish to be recognized, along with my colleague from Nevada, to talk about the importance of the passage of this legislation, and not just the extenders—which are good for not only the States of Washington and Nevada as it relates to sales tax and R&D tax credits and county payments and a whole variety of things—but most importantly these renewable energy credits, where we are trying to change the focus and the direction of our country by unleashing the power of the solar industry to help create about 400,000 new jobs for our country. So we do want to get to this package done.

I thank the leaders as well, Senators REID and MCCONNELL, for trying to get this legislation on the floor. I hope we can get through this last hiccup and actually get this legislation before our colleagues and get it passed today—hopefully today—because I think that is how important it is to send out this message.

I certainly thank Senator BAUCUS and Senator GRASSLEY for their perseverance in continuing to try to work through vote after vote on this so we could have a package.

I want to say to the Senator from Nevada, Mr. ENSIGN, how much I appreciate his willingness to engage in this subject starting really the beginning of this year and for understanding what the opportunity was to look at renewable energy and to make sure the tax credits were more predictable and there was more long-term certainty for businesses so that we could take advantage of the manufacturing base that could be created in the United States. I certainly applaud him and his staff for their perseverance in trying to come up with a funding mechanism for this package of green energy tax credits in the last 2 weeks and coming up with a breakthrough on exactly how to pay for them.

So we are at this momentous point now where the bipartisan efforts of working across the aisle have paid off. Frankly, I think we need more of that—working across the aisle—on some of these solutions so that we can actually move legislation. I hope we can come back in the next few hours and actually talk about some more of the specifics of this legislation because it is really breakthrough legislation.

For the first time, we are giving an extension of the solar investment tax credit and fuel cell tax credit that will, I believe, change investment patterns in such a significant way that we will be reaping the benefits of that kind of generation of power to replace what we are currently doing on our grid today.

We also have incentivizing new provisions for plug-in electric cars, which will help in that transition so that people understand our future source of energy and power for our transportation sector has a very bright future. We provide for tax breaks for participating in that transition and help them realize they will be able to drive for $1.00 a gallon in these plug-in electric cars instead of for $3.50 or $4 a gallon using fossil fuel.

In this legislation there is over $10,000 in consumer tax breaks and credits on all sorts of things, from home improvements to making sure that consumers, particularly in the northeast part of our country, get a tax break for moving off of home heating oil and on to wood stoves that will help them reduce the cost in their heating bills in the future.

There are a lot of breakthroughs in this legislation which I hope to get back to this afternoon. So I hope we can get our colleague from Texas to remove his objection and that we will be able to move forward on this important legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I congratulate the Senators from Washington and Nevada not just for the product of their work but for the way they are working together. I think what the American people want to see the Senate focus more on the biggest issues facing our country and work across party lines to get a result.

I was one of the few Senators earlier who voted against the Ensign-Cantwell legislation because I thought it disproportionately favored one form of renewable energy. I think this is a great improvement over what had been done before, and I especially like the fact that solar has a chance to move up the line as a developing energy. It is not proven yet, it is not able yet to do all we hope it will do, but this should help. And the idea that we would use this vast reservoir of unused electricity we have at night around the country to plug in our cars, rather than spend money on gasoline that we send overseas to unfriendly people, is a very appealing idea.

All those ideas have broad support on both sides of the aisle, and Senators Cantwell and Ensign have been persistent in their efforts to fashion a bipartisan result. So I congratulate them for what they have done, and I thank them for it. I feel confident, with the support of the majority and Republican leaders, that we will get to a result.

My colleagues' work on this bill, and the majority leader and the Republican leader's work on this bill, to bring us toward a bipartisan result on one of the largest issues facing our country is in great contrast to some of what I

heard this morning from the Democratic side of the aisle about today's financial structure. What I heard was what I call kindergarten politics. It looked as if somebody had been down in the War Room with crayons and paper on the floor coming up with how do we score political points about the financial crisis in the country today, instead of saying: What can we do, working together, to reassure the American people we are going to take every step we need to take here to make certain we restore the vibrancy of our economy?

I came to the Senate, not as a Senator but as a staff member, more than 40 years ago, and what was going through my mind is the way Lyndon Johnson and Everett Dirksen would have worked when Everett Dirksen was the Republican leader and Lyndon Johnson was the President. When it was important, they worked together, and they let the American people know that. So did President Kennedy and Senator Dirksen, when he was the Republican leader. So did Senator Mansfield, from the Democratic side of the aisle, and President Nixon, a Republican.

I remember Senator BYRD telling me that both he and Senator Baker, the Democratic and Republican leaders when President Carter was here, changed their minds about the Panama Canal, and they cast controversial votes because they thought it was the right thing to do. We had a major issue before the country, and some in the country didn't like the result, but they respected the fact that Senators had the instinct to recognize that when something is important, threatening our country, that people expect us not to play kindergarten politics but to put that aside, leave it off the Senate floor, and come here and do our jobs.

The same was true with President Reagan and Tip O'Neill, the Speaker of the House, who had very different points of view. But when Social Security was nearly broken, they worked together.

Now we have a serious financial crisis facing our country, and what do we get from some of the Members of the other side of the aisle but a lot of kindergarten partisan politics, which should be left in the trash can somewhere. We even had the majority leader criticizing a former Republican Senator for something the majority leader himself voted for. Why was it even being discussed? Because somebody over in the kindergarten room wrote out a press release and handed it to somebody. So instead of seeing what we just saw on the Senate floor a few minutes ago, which was a Democratic and Republican Senator saying: Let's work together on energy, we saw something much different.

From the Republican side of the aisle, we could come and say: Well, this whole financial crisis is caused fundamentally by a collapse in housing prices. And one of the greatest factors in that is the great housing institutions, Fannie Mae and Freddie Mac. When we brought up a bill to reform Fannie Mae and Freddie Mac, all the Democrats voted no and all the Republicans voted yes. We could say that. We could say it was a Democratic President who stopped us from bringing in oil from Alaska 10 years ago, which today would have kept gas prices from going up. We could say it was a Democratic President who encouraged a lot of people to buy homes who didn't have the money to pay it back.

But that is not what we should be doing here. We should put all that aside, and we should say to the President and say to the Speaker and say to each other: We have a serious financial crisis facing our country. What can we do, working together, to reassure the American people we are going to take any step we can to ensure the security of their savings accounts, the values of their homes, the security of their money markets, of their accounts? We can do that. We should do that. That is what most of us are elected to do, or we feel we are elected to do.

So I was very disappointed to see so much of the partisan kindergarten-talk coming from the other side of the aisle this morning. I would much rather see the kind of action that the Senator from Washington and the Senator from Nevada have demonstrated throughout the year and did today, as did the majority leader and the Republican leader when they said: We are very close to having a renewable energy bill that meets the objections many have had. And that is one step we can take to deal with the problem of the high price of energy, because we need to, as we say, find more American energy as well as use less energy, including alternative and renewable energy.

There is one other thing that we could do together and I would like to briefly outline it today. It was pointed out in an article in the Washington Post last week by Susan Hockfield, the President of MIT, one of our great research universities.

I ask unanimous consent that her oped be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. ALEXANDER. She suggested that we should have a dramatic new investment, a new Federal investment in energy research and development; that our current spending for energy research and development had shrunk, in her words, ''almost to irrelevancy''; and that the $2 billion to $3 billion that the Federal Government is spending annually on energy R&D is less than half of what our largest pharmaceutical company spends on research each year.

Yesterday, I had a visit from the President of Yale University who made the point that, since 1973, we have found as much oil as we have used. Mr. President, 1973 was the year we had the big oil shock. He pointed out the reason we were able to do that was because of extensive science and technology advances.

Most of our wealth since World War II in this country has been created by our brainpower advantage, and we worked together as a Senate and as a Congress, with everyone taking credit, to pass legislation to help. We called it the America COMPETES Act—to help keep America's brainpower advantage so we can keep growing good jobs here.

What the president of MIT and the president of Yale are saying, and most of our research universities would say and most of us know, is we need to keep pushing on science and technology. As we stand here today, thinking about how we deal with high gasoline prices and electricity prices that are increasing and the national security issues that arise from depending so much on other countries in the world for oil; and as we think about the financial markets and how over the long-term we strengthen our country so we are able to withstand any sort of jolt to the system—one of the most important things we should consider doing, and doing in a bipartisan way, is to make a dramatic new Federal investment in energy research and development. I may have more to say about that next week. It is a tremendous opportunity for the next President to take.

Let me give an example of what I mean by it. In May, I went to the Oak Ridge National Laboratory in Tennessee, along with BART GORDON, the Democratic chairman of the House Science Committee. I proposed that the United States set as a goal putting our country on a path to clean energy independence within the next 5 years and do it in a way that we have done it before, with a new Manhattan Project for clean energy independence.

The Manhattan Project was the project the United States launched during World War II to create the atom bomb before Germany did, because we were afraid that if Germany beat us in that, it would blackmail us in the same way many oil-producing countries are blackmailing us today. We succeeded in that. But we did it because we put a clear focus on it, we put an objective, we dedicated the money, we drafted companies, we assembled the best scientists in the world, and we won that race.

We could do the same with energy. What I suggested in May was that we adopt seven grand challenges. First, of course, we ought to do what we already know how to do, which is to drill offshore and create more nuclear power. But then there are some things we don't know how to do, and most of the legislation we are considering—whether it is the legislation that Senators ENSIGN and CANTWELL have proposed or the Gang of 20 legislation or the bill that Senator BINGAMAN and others might propose—does not do much for energy research and development.

Energy research and development would be this, for example: To make, within the next 5 years, electric cars and trucks commonplace—which would mean research on advanced batteries; and to make solar energy competitive within the next 5 years with fossil fuels.

Incentives will help with that. That is in the tax extenders bill that will be coming before the Senate. But in order to accomplish that, we need money for research and development.

Among the other challenges, I suggested carbon capture and sequestration. We need to be able to use our coal plants and we need other ways of capturing carbon than taking it and putting it into the ground. We need it within 5 years as well.

I see my time has come to an end. My point is the same. I like what Senators ENSIGN and CANTWELL have been doing. I like the approach. I would like to see more of that rather than the finger-pointing and blame calling, and one of the areas in which I hope we will work is a dramatic new Federal investment in energy research and development.

EXHIBIT 1

[From the Washington Post, Sept. 11, 2008]

REIMAGINING ENERGY

(By Susan Hockfield)

Almost 70 years ago, as Germany invaded France, President Franklin D. Roosevelt received an urgent visit from Vannevar Bush, then chairman of the National Advisory Committee on Aeronautics and formerly vice president and dean of engineering at the Massachusetts Institute of Technology.

Bush's message was simple: For America to win the war that was to come, it had no choice but to make aggressive, focused investments in basic science. The case was so compelling that Roosevelt approved it in 10 minutes. From radar to the Manhattan Project, the innovations that decision unleashed produced the military tools that won the war.

That same presidential decision launched the enduring partnership between the federal government and research universities, a partnership that has vastly enhanced America's military capabilities and security, initiated many important industries, produced countless medical advances and spawned virtually all of the technologies that account for our modern quality of life.

Today, the United States is tangled in a triple knot: a shaky economy, battered by volatile energy prices; world politics weighed down by issues of energy consumption and security; and mounting evidence of global climate change.

Building on the wisdom of Vannevar Bush, I believe we can address all three problems at once with dramatic new federal investment in energy research and development. If one advance could transform America's prospects, it would be ready access, at scale, to a range of affordable, renewable, low-carbon energy technologies—from large-scale solar and wind energy to safe nuclear power. Only one path will lead to such transformative technologies: research. Yet federal funding for energy research has dwindled to irrelevance. In 1980, 10 percent of federal research dollars went to energy. Today, the share is 2 percent.

Research investment by U.S. energy companies has mirrored this drop. In 2004, it stood at $1.2 billion in today's dollars. This might suit a cost-efficient, technologically mature, fossil-fuel-based energy sector, but it is insufficient for any industry that depends on innovation. Pharmaceutical companies invest 18 percent of revenue in R&D. Semiconductor firms invest 16 percent. Energy companies invest less than one-quarter of 1 percent. With this pattern of investment, we cannot expect an energy technology revolution.

While industry must support technology development, only government can prime the research pump. Congress must lead.

The potential gains—from the economy to global security to the climate—are boundless. Other nations are also chasing these technologies. We must be first to market with the most innovative solutions. We must make sure that in the energy technology markets of the future, we have the power to invent, produce and sell—not the obligation to buy.

How much should we invest? In 2006 the government spent between $2.4 billion and $3.4 billion (less than half of the annual R&D budget of our largest pharmaceutical company). Many experts, including the Council on Competitiveness, recommend that federal energy research spending climb to twice or even 10 times current levels. In my view, the nation should move promptly to triple current rates, then increase funding further as the Energy Department builds its capacity to convert basic research into marketable technologies.

Vannevar Bush's insight was his appreciation of the value of basic research in powering innovation. I believe that we stand on the verge of a global energy technology revolution. Will America lead it and reap the rewards? Or will we surrender that advantage to other countries with clearer vision? I believe we can chart a profoundly hopeful, practical path to America's future—through rapid, sustained, broad-based and intensive investment in basic energy research.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, before I begin, I ask unanimous consent that my remarks be immediately followed by Senator SCHUMER of New York.

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

UNANIMOUS-CONSENT REQUEST—S. RES. 626

Mr. VITTER. Mr. President, last night the majority leader filed cloture on an unusual bill. It is a bill he drafted, combining 36 completely unrelated bills, making it one big package, the so-called Reid omnibus, which is the anti-Coburn omnibus, or my favorite term, the ''Tomnibus.''

That is a very unusual and suspect way for the Senate to proceed. Senator REID says it is necessary because all these measures are being blocked by one or two Senators. The only problem with that argument is there are other measures that are being blocked by one or two Senators, but he has not included those in his omnibus because they are his Members who are doing the blocking, who are doing the obstructing, who are in the tiny narrow majority on those bills.

I have one of those bills. I wish to talk about it today. That is S. Res. 626. This is very simple, very straightforward and has the support of the huge majority of the American people and the huge majority of the Senate. It is a resolution expressing the sense of the Senate that the Supreme Court of the United States erroneously decided the case Kennedy v. Louisiana and that the eighth amendment to the Constitution of the United States allows the imposition of the death penalty for the rape of a child.

First of all, I would like to thank my cosponsors in this Senate resolution, Senators CRAPO, BURR, CORNYN, DOLE, SESSIONS, KYL, DEMINT, GRAHAM, and COBURN.

I would like to thank so many other Senators who agree with this important resolution and agree with everything stated therein.

As you know, the Supreme Court, in a very narrowly decided 5-to-4 decision, has now construed the Constitution to categorically bar the imposition of the death penalty for the crime of child rape, even though, of course, the document says nothing of the kind. The majority noted that a child rapist could face the ultimate penalty, the death penalty, in only 6 States and not in any of the 30 other States that have the death penalty and not under the jurisdiction of the Federal Government.

One big problem is that Justice Kennedy's confident assertion about the complete absence of Federal law in this area is wrong. It is completely wrong. It is clear that it is wrong. The Federal Government does have jurisdiction and there is a Federal law applying the death penalty, making that available for the rape of a child. Congress—yes, Congress—revised the sex crimes section of the Uniform Code of Military Justice a few years ago, in 2006, to add child rape as offense punishable by death.

The revisions were in the National Defense Authorization Act of that year. President Bush signed that bill into law and then issued an Executive order which put the provisions of that act into the 2008 edition of the Manual for Courts Martial.

My resolution is simple and straightforward. It asks the Supreme Court to rehear the case of Kennedy v. Louisiana because they got that aspect of Federal law so very wrong. It says that among the worst of all crimes is the crime of child rape and that there is nothing in the Constitution to take away the death penalty from States, in terms of appropriate penalties for that crime.

The Louisiana district attorney's office in Jefferson Parish has asked for a rehearing on this case on July 21, 2008, based specifically on that very false assertion made before the Supreme Court about Federal law, so that rehearing is being actively considered. It is very appropriate in this context, as the Supreme Court considers right now, as we speak, possibly rehearing the case, that the Senate be allowed to speak on the matter; that the Senate make its voice heard on the matter and point out that rehearing should go forward and that the case was erroneously decided.

This is a serious issue. Obviously, on the face of it, child rape is a heinous crime. But it is even more heinous when you look beneath the surface and understand more about the repercussions.

It has been estimated that as many as 40 percent of 7- to 13-year-old sexual assault victims are seriously disturbed. Psychological problems include sudden school failure, unprovoked crime, dissociation, deep depression, sleep disturbances, feelings of guilt and inferiority, and much more.

The deep problems that affect these child rape victims often become society's problems as well. Commentators have noted the clear correlations between childhood sexual abuse and later problems such as substance abuse, dangerous sexual behaviors or disfunctions, inability to relate to others on the interpersonal level and other psychiatric illnesses.

Victims of child rape are nearly 5 times more likely than nonvictims to be arrested for sex crimes themselves; they are 30 times more likely to be arrested for other serious related crimes.

Justice Alito's dissent summed up the impact and horror of the offense of child rape:

> Long-term studies show that sexual abuse is grossly intrusive in the lives of children and is harmful to their normal psychological, emotional and sexual development in ways which no just or humane society can tolerate.

For all these reasons and in light of the clear fact that the Supreme Court got it very wrong with regard to Federal law on the subject, I believe this sense of the Senate is important to pass. I believe that a huge majority of Senators do and will support it on passage and that it is an important statement to make as the Supreme Court actively considers this possibility of rehearing.

I would simply like the same type of opportunity which the majority leader is giving his Members in bundling these other bills into the so-called Reid omnibus, or anti-Coburn omnibus or ''Tomnibus.'' Why can't this provision, which has bipartisan support, which has very strong supermajority support, be passed in an expeditious way as well, so we can make our voices heard in a timely way, as the Supreme Court considers rehearing this very serious case which they got very wrong?

With that in mind, I ask unanimous consent to discharge the Judiciary Committee from further consideration of S. Res. 626, a resolution expressing the sense of the Senate that the Supreme Court of the United States erroneously decided Kennedy v. Louisiana and that the eighth amendment to the Constitution of the United States allows the imposition of the death penalty for the rape of a child; that the Senate immediately proceed to consideration of the resolution and that it be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection? The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, reserving the right to object and I will object, but I wish to make a comment too. First, without stating whether I would be for or against such a resolution—I have not seen the language—there are Members on the other side—on my side of the aisle who do object and on their behalf I am objecting.

I would say this to my colleague. It would seem to me whether one supports the idea of making sure the death penalty extends to rapists, that the best place, when we are dealing with the Supreme Court, is an amicus brief to the Supreme Court, making the legal arguments—because obviously the Supreme Court is not supposed to just listen to what a body such as this believes but, rather, look at the law.

So that might be the appropriate way to go. But having said that, without taking my own personal position on this, I will object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Mr. President, if I can briefly wrap up, obviously I am disappointed. I understand the Senator's objection. But a great frustration in all of this, in holding bills, in filing secret holds, in everything else, is that we never know on whose behalf those objections are being made.

So I would ask my distinguished colleague if that can be made part of the record. Apparently he did not make the objection on his own behalf, he made the objection on behalf of other Senators. I think it is a legitimate part of the debate and should be an important part of the record to hear on whose behalf these objections are being heard.

With regard to the Senator's comment about an amicus brief, obviously that is being done from a number of quarters. I am participating with groups in doing that. So that suggestion has already been taken up. But I would love to make part of the record on whose behalf any objection is heard.

Again, I would ask the question through the Chair, because it has been a very elusive, frustrating part of this process and this debate, on whose behalf this objection is being made.

Mr. SCHUMER. All I can tell my colleague is more than one Member. And under the rules, I guess that has to be disclosed within 5 days.

Mr. VITTER. Well, I will look forward to that disclosure because that has been a frustrating part of this process and this debate today.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR.) The Senator from New York.

Mr. SCHUMER. First, before I get into the substance of my remarks, I apologize to my colleague from Louisiana. It is 6 days after which objectors are known, not 5. So that was my mistake.

THE ECONOMY

Mr. SCHUMER. Today I rise to discuss the recent turmoil in our financial markets. Over the past few days the upheaval in New York has been extreme, as we have witnessed the bankruptcy of Lehman Brothers, one of the oldest and most well-respected financial institutions in the world, the purchase of Merrill Lynch by Bank of America, and the Government takeover of AIG, America's largest insurance company.

Those stunning developments followed closely on the heels of the Government takeover of Fannie and Freddie a mere 10 days ago. And I watched with great sadness those lining up at some of these companies to take their belongings away after years and years of work and heard the tales of woe from my constituents.

Our job here is to cushion the blow for those who are innocent of any wrongdoing and have lost their jobs. I am trying to do all I can to minimize job loss in New York. But it is also to prevent this from happening again. That is why I rise to speak today, to lay out an outline of principles, and a broad-brush plan that might help us deal with this crisis.

These unprecedented events have made it clear to the country what many of us have been saying for some time. We are in the midst of the greatest financial crisis since the Great Depression. After 8 years of deregulatory zeal by the Bush administration, an attitude of ''the market can do no wrong'' has led it down a short path to economic recession.

From the unregulated mortgage brokers to the opaque credit default swaps market to aggressive short sellers who are driving down prices of even healthy financial institutions based on innuendo, this administration has failed to take the steps necessary to protect both Main Street and Wall Street.

There may not be a silver bullet to fix what is currently dragging down the economy, but we can take steps to mitigate the costs and ensure that the impact of this crisis will be short term. We need to offer a smart, targeted, and timely solution that will help our economy weather this storm and keep as many families from losing their homes in the process as we can.

Every minute matters, and the future competitiveness of the U.S. economy depends on the administration's response. The series of ad hoc interventions in the market over the past 10 days were important to avoid a systemic disaster, but we cannot continue to act in such an uncoordinated and ad hoc fashion.

Furthermore, the Federal Reserve is being asked to do things that go far beyond its mission. I represent 19 million New Yorkers, many of who live on Main Street and work on Wall Street. So I know better than most that our response has to be aimed at both areas. It must protect the downstate economy, and the upstate economy. And

the two—whatever one feels or wants to say—are intrinsically linked. Make no mistake about it. The reckless lending practices and irresponsible risk taking conducted by many of our financial institutions during this era of deregulation have proven costly for the U.S. economy and its taxpayers.

The Federal Government cannot and should not write a blank check to the institutions that have exacerbated this crisis. The U.S. taxpayers have already extended $300 billion worth of capital to troubled banks and financial institutions, asking for nothing in return.

So starting today we need to condition the Federal Government's financial lifeline on the institutions' firm commitment to take actions to get us out of our immediate economic crisis. If the Federal Government is going to continue to support the economy, its new formal lending program with financial institutions must address both the need for restoring stability and confidence in the U.S. financial market, and the need to set a floor in our plummeting housing market.

Some people focus on one, some people focus on the other. The fact is we need both. We are not going to get out of this great mess unless we deal with the mortgage crisis and the homeowner, and we deal with the cycles in our financial system which not only affect Wall Street and its jobs, of course, and my constituency, but affect all of America, because lending is the lifeline of the economy.

Someone from Chrysler told me that right now you need a FICO score of 720—that is a credit rating that is very high—to get an auto loan. If that continues, we would only sell 10 million cars in America next year as opposed to the 15 or 16 million we sell now. That shows you the interrelationship right there. The auto worker is related to the financial institutions. We must fix both in a practical, nonideological solution aimed at getting our economy back on its feet.

The rapid deterioration of the financial sector is fueled by the steep rise in delinquencies and the foreclosure of risky mortgages that have been sliced and diced and sold in complex instruments that are becoming rapidly toxic waste on the balance sheet of our largest financial institutions.

The best way to stop the bleeding is to turn these mortgages into viable assets on a large scale. But the combination of an economic downturn, tumbling home prices, complex mortgage security, and irresponsible underwriting by unregulated mortgage brokers has made this a daunting and so far insurmountable challenge.

Over the past few years we have heard many discussions of a so-called RTC, Resolution Trust Corporation, and RTC-like proposals modeled after the Government-owned asset management company charged with liquidating assets after the 1980s S&L crisis.

Today, Senator MCCAIN made a similar proposal. And before I address that, let me speak for a minute on Senator MCCAIN. He has been a leading advocate for deregulation for a very long time. All of a sudden, he sounds almost like a populist. He seems to reverse course day in and day out.

Two days ago he said: AIG should not be aided by the Government and should go bankrupt. And today he is calling for large Government intervention in the financial markets. It is no wonder that Senator MCCAIN said he does not understand economics. His erratic behavior in the last 2 days is inconsistent—saying one thing on Tuesday and another thing almost directly opposite on Thursday—makes you understand why people would not trust him with the economy.

Today he called for the firing of Chris Cox of the SEC. Well, I have a lot of differences with Chris Cox and with the SEC. They have been far too deregulatory to me. But where does Senator MCCAIN differ in policies with Chris Cox? Does he have a different view on short selling? Does he have a different view on holding company regulations? Who knows? Maybe he will replace Chris Cox with Phil Gramm who considers someone who lost his job a whiner, and considers all of us hurting in this economy a ''nation of whiners.''

It is hard to take the proposals by Senator MCCAIN very seriously unless he backs them up, not only with detail, but with consistency and a philosophy.

But getting back to his proposal today, something of an RTC-like company, the central challenge with that approach, and anyone who is advocating the RTC—and my colleague Senator DODD has outlined this very well recently—is that the Federal Government would take on all of the risk of the bank's troubled assets without addressing the root of the problem, the housing market.

Proposals such as Senator MCCAIN's may help Wall Street but they will do nothing for Main Street. Two major problems exist. First, troubled mortgages have been sold into complex mortgage-backed securities which have themselves been split into pieces and sold to thousands of investors around the world.

In order for an RTC to be able to modify the mortgages, it would have to gather up all of the pieces of every security and put the proverbial puzzle back together. This would be incredibly difficult and virtually impossible. That is why the proposals by Secretary Paulson, as well intentioned as they are, have done very little in the foreclosure area. Because if one investor of the hundreds who hold a piece of a mortgage says ''no,'' there can be no refinancing, no reformulation. It is a huge problem.

Second, even if it were possible for borrowers to have piggyback loans on second mortgages, which is an estimated 50 or 60 percent of the troubled mortgages, the RTC would have to go back and buy the second lines as well in order to work out the loan.

In other words, even with the first mortgage, if you could get all of those hundreds of pieces together, there is a second mortgage in 50 to 60 percent of these troubled mortgages and the second mortgagors or mortgagees are not going to stand for—the first mortgagors are not going to stand for reducing their mortgage while the second mortgage is as large as ever.

In short, the complex structure of the most troubled mortgages underwritten over the past several years would prevent an RTC from being able to help most homeowners. Furthermore, it seems like the RTC is Rashoman these days.

Some propose the name ''RTC'', like the Wall Street Journal financial page, to buy financial instruments; some propose it to deal with the mortgage situation, which is difficult, as I mentioned. And I think when we look at the specifics, the RTC model is not the best way to go. In fact, it might not work at all.

Therefore, I am proposing that we examine a two-part approach that will help suffering homeowners across the country keep their home and restore stability to Wall Street.

First, we must get banks and other financial institutions to drop their fierce opposition to judicial loan modification in exchange for any additional assistance from the Federal Government.

This year my colleague, Senator DURBIN, led legislation in the Senate that many of us cosponsored that would make a simple change to current law to allow judges the authority to modify harmful mortgages on primary residences. The industry adamantly lobbied against this legislation, arguing it would harm the secondary mortgage market. Simply put, this is wrong. Between 1978 and 1993, when such modifications were allowed, the evidence is clear. It had no impact on the secondary mortgage market whatsoever. What is even more absurd, a judge can already modify a mortgage on a second home. So if you own two homes—or seven homes—the bankruptcy court can help. But if you are like Joe and Eileen Bailey and most of us and you only have one home, which is, by the way, also your largest and most important asset, and you find yourself in trouble, there is nothing a bankruptcy judge can do.

This critical solution is achieved by simply removing the bankruptcy law's language that denies relief to homeowners for their primary residence. Court-supervised loan modification is the simplest, fairest, and least expensive way to get all the parties of a mortgage together and modify the loan down to the fair market value of the home with no cost to the U.S. Treasury. This provision also guarantees the lenders at least the value they would obtain through foreclosure, since a foreclosure sale can only recover the market value of the home. In addition, it saves lenders the high cost and significant delays of foreclosure. Because

bankruptcy is enshrined in the Constitution and because the bankruptcy judge has the power, unlike the mortgage processor, to require all the parties to come together, this can work and, again, at no cost to the Federal Government.

Second, to restore confidence in financial markets and institutions, rather than continuing to intervene on an ad hoc basis as additional companies face problems, we should look at options to formalize ways for the Federal Government to provide capital injections and secured loans for banks that are struggling. This will give financial institutions the capability to de-lever their balance sheets and write down their bad assets over time. The rapid failure of a large number of financial institutions would have a disastrous long-term effect on the American economy, a situation we must avoid at all cost. The Government could establish a new agency similar to the Reconstruction Finance Corporation or RFC-like model employed during the Depression. The RFC is far preferable to RTC. But we must condition the development of this formal structure on the agreement of banks to abandon their opposition to judicial loan modifications, and not only banks but others who hold pieces of mortgages as well. An RFC-like agency would receive equity and possibly secured debt from the banks in return for providing capital or liquidity. The equity received by the Government would allow the Government to share in any upside appreciation of the banks and minimize taxpayer costs in the process. The RFC would also get some degree of oversight lending activities of banks it has invested in, and the Government would come first. The Government would get repaid before others in the financial chain.

I represent the State of New York where many of my constituents live on Main Street and many work on Wall Street. Both are in dire trouble. We have the largest city in the country, and we are the financial capital of the world. We have upstate New York which would be the seventh or eighth largest State in the country. In addition, we have the third largest rural population. Right now all are in trouble because in this complicated economy all are interrelated. We have a responsibility to address the problems faced by both homeowners and financial markets. Attempts to solve only one side of the equation will not get us out of this crisis. Without a comprehensive solution that helps keep people in their homes, no amount of money advanced by Uncle Sam will restore the fundamental strengths of the American economy.

Chairman Bernanke has said it over and over again: Until we solve the mortgage problem, we are not going to solve our economic or even our financial problem. But unless we also solve our financial problem, the economy will not recover, and the housing problem will get worse. So we need to do both. Those who say just do one or the other, for ideological or policy reasons, will not come up with a solution. The solution I have proposed does both, and it links the two. To those who say the Government can't get involved in these institutions for no cost, we are making sure there actually is a cost, not only in the repayment plan but in the fact that they will have to treat mortgages differently and help beleaguered homeowners. By doing that, they will help the economy.

To those who propose a plan of just helping the homeowner, worthy as that is and as much as I have worked hard and believe in it, if our financial institutions and our financial lifeblood continues to be brittle, frozen, and sparse, it will be far more difficult to solve the homeowner problem because the economy will get worse, housing prices will go down, and the cost and ability to keep mortgagors in their home will be less.

This solution represents the best way to get us out of our financial crisis in a comprehensive way. It should have appeal to those on both sides of the aisle. Most importantly, it is a solution that deals with the entirety of the problem in a comprehensive way.

Given our economy hurtling southward, given the horrible stories we read in the newspapers every day about those who work on both Main and Wall Streets hurting, we cannot afford not to act.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. I understand we are in morning business.

The PRESIDING OFFICER. The Senator is correct.

Mr. MENENDEZ. Madam President, because of the hard work of Chairman BAUCUS of the Finance Committee, Senator CANTWELL and several others, we may—I say ''may'' and I will talk about that in a moment—have finally secured a deal to extend the renewable energy tax credits and to temporarily fix the alternative minimum tax. If we can do this, it is a huge accomplishment that will generate hundreds of thousands of new, green-collar jobs, stimulate the economy, improve our energy independence, and lower energy costs for all Americans. And it cannot come too quickly, as we heard from our distinguished colleague from New York.

Unfortunately, in order for the Democrats to secure a deal to do this, we had to agree to a bill that, in my opinion, is not as strong as previous versions of the bill. On eight separate occasions, our Republican colleagues had the opportunity to keep the rapidly developing wind and solar industries growing at an astonishing pace. But, instead, they decided to play politics. Time after time, Republicans filibustered and then voted to block consideration of proposals to extend critical tax credits for wind, solar, biomass, and geothermal energy. So Democrats had to sit down with our colleagues from the other side of the aisle and work out a deal.

I have heard a lot recently about how Washington is broken and how there needs to be a greater spirit of bipartisanship. I agree. But I want the American people to understand that comes at a price. What is often overlooked is there is a price to be paid for that compromise. In this instance, the price being paid is $8 billion over the next 5 years to big oil. In essence, at a time when financial markets are in turmoil, banks are failing, Americans are struggling to make ends meet, Republicans have required a big oil bailout, a bailout for the most profitable industry in history, at a time when they are beating their own record profits.

I also have concerns about some of the oil shale and tar sands provisions of the bill in an environmental context. But on balance, based upon the circumstances of where we are and what is possible, this bill will do a lot more good than harm.

Renewable energy is essential for our environment and our economy. But renewable energy is, most importantly, the opportunity to produce massive amounts of domestic, clean, cheap energy and generate hundreds of thousands of new jobs in doing so. Simply put, renewable energy is a core solution to our energy woes and a massive business opportunity. Don't take my word for it. Just ask landowners in Texas or Minnesota or Iowa or Wyoming who are receiving $3,000 to $5,000 per month for allowing a windmill to be sited on their property. Or ask oilman T. Boone Pickens who is plowing billions of dollars of his own money into wind energy, even though he made his money on oil and has a plan to use renewables to end our addiction to oil.

Last year the United States installed enough wind turbines to power over 1.5 million homes, and the solar power industry is growing at over 40 percent a year. In fact, over one-third of all additional electric power capacity that was added to the grid last year was from renewable sources. So despite claims by the Republican Presidential nominee, these technologies work. They work now, and they are producing an enormous amount of energy.

They have done so in large part because of the leadership and investment by the Federal Government in incentivizing those renewable energy industries. By extending the wind and solar tax credits so these industries can continue their rapid growth, we could easily add 150 gigawatts of installed capacity within 10 years.

What does that mean? That is enough electricity to power over 37 million homes. By 2030, even if we do not pass additional policies to create a national grid or further incentivize distributed energy, we could get well over 25 percent of our Nation's electricity from wind and solar power.

This tax package also has a very important provision to help us transition from oil to renewable fuels. The bill

contains a large tax credit for the purchase of plug-in hybrid vehicles, cars such as the Chevy Volt which will be able to run solely on electricity only for the first 40 miles after being plugged in.

If projections by some experts hold true and half the cars on the road in the year 2030 are plug-in hybrids, we could easily cut our use of oil by one-third or more. By this time we would be producing enough renewable energy to power all of these cars and still have electricity to spare. If we want cheap gasoline, to be free from imported oil, create hundreds of thousands of new jobs, then we need to pass this tax credit extension. It is that simple.

I am relieved in one sense that my colleagues on the other side of the aisle have finally come to the table to let us vote on something that will actually produce energy, but I am concerned that there are still those objecting to us proceeding. This fall, voters, however, are not going to forget that the price the Republican Party has forced on the American people in order to get to these renewable energy sources is to continue $8 billion in subsidies for big oil. When the American voters see that, they are going to have a much different view of what they do in these elections, and we will see a very different Federal Government come January.

I also want to address another essential piece of the tax extenders program, and that is the temporary fix of the alternative minimum tax. New Jersey's hard-working families deserve real tax relief. More than 70 percent of the President's tax cuts have gone to people making over $200,000, while families who earn anywhere between $50,000 and $75,000 have received less than 5 percent of those cuts. Yet the President has done nothing to make the AMT exemption permanent, a tax which, in the next 4 years, would affect nearly every family of four earning between $75,000 and $100,000 if nothing is done.

The President has directed all his efforts, priorities, and the Nation's bank account to tax breaks for the wealthiest, leaving little room, let alone money, for the reforms that will affect nearly 24 million middle-class families.

When Americans wonder why there has been little attention on what most tax analysts refer to as the ''single most important tax issue'' facing the Nation, they should know that it is because tax cuts for the middle class have clearly not been a priority of this administration.

I am glad we are moving in this Democratic majority in a different way. The fact is that, without this bill, middle-class families will be faced with a harsh reality at the end of the year. In my State of New Jersey, where roughly 270,000 families were subjected to the alternative minimum tax in 2006, the number of middle-class taxpayers subject to this tax would explode if no fix is enacted. Average families, who are far from wealthy, could face significantly higher taxes this year if we do not act on the crisis at hand. This fix makes very clear that our priority should be to protect middle-class families from an unintentional tax hike, and that millions of taxpayers should not wake up next tax season to realize they owe more in taxes even though their income has not changed.

Let's remember, this was a tax intended to ensure that those making over $200,000 a year were not able to game the system and avoid paying any taxes toward the common good at all. It was never intended to raise the taxes of average Americans.

So let's send a clear message that the values we embrace are the values of helping American families. Let's embrace fairness and equal treatment for those who are working hard. We can do that in this bill.

Finally, let me thank again Chairman BAUCUS and others for their hard work in crafting this legislation to extend the renewable energy tax credits and to temporarily fix the alternative minimum tax.

But I do urge my colleagues who are objecting to bringing up this legislation to drop their objections. You cannot expect more for oil than even what you have gotten in this bill. These are obstacles the American people clearly cannot afford at this time, that this country cannot afford at this time in one of the worst financial times.

This will be one part of a solution to move us in a direction that creates jobs, that can stimulate our economy, that can break our dependency on oil, that can do something about our environment and, at the same time—and, at the same time—ensure that we give relief to middle-class families through that relief in the alternative minimum tax.

I hope if, in fact, we can get through our colleagues' objections—the majority leader has tried to bring up this bill already—if we are able to do so, we can send a message as this week comes to a close that the Senate is finally on the way to giving relief to American families in a real, meaningful way, and as people are losing their jobs in this economy, we can be at the threshold of creating a new generation of jobs in which people will be able to prosper and the Nation will be able to meet its energy needs for the future.

Madam President, with that, 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. WYDEN. 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. WYDEN. Madam President, I ask unanimous consent to speak as in morning business.

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

TAX EXTENDERS

Mr. WYDEN. Madam President, there is extraordinary economic hurt in much of rural America this evening, and that is especially the case in my part of our country in rural Oregon. We are going to have a chance to do something about that with the tax extenders legislation. I come to the floor today to urge its passage.

A number of colleagues have been wondering about the folks in green shirts who are out and about on Capitol Hill this week. These are some of the country's best people committed to making this country a better place, and they are here because they come from communities where the Federal Government owns much of the land and the Federal Government, regrettably, has been talking about breaking its commitment to these communities.

About 100 years ago, the Federal Government entered into an agreement with these communities. In effect, the Federal Government said: When the National Forest System is created, so it benefits people across the country—in Minnesota, in New York, in Florida, and all across the land—because we are going to have property owned by the Federal Government, we will assist those communities with funds for schools and essential services.

That worked for a number of years when the timber cut was fairly high and we were able to get the funds those communities needed for essential services. However, when the laws began to change in the 1990s and timber cut went down, all of a sudden those communities were hard-pressed to keep the schools open in my part of the country and to make sure there was essential law enforcement service—on the beat fighting methamphetamines and providing key services on our Federal lands. So in 2000, I authored a law with our friend and colleague, Senator CRAIG, and brought those communities money for schools, money for essential services, but regrettably, that money has run out. As the revenues and benefits that we receive from our national forests change with the times, Congress simply can't walk away from its responsibility to provide funding to rural counties.

Now, because of the good work particularly of Chairman BAUCUS and Senator GRASSLEY, there will be an opportunity to renew our commitment to these rural communities and to do it in a way that is going to allow these communities, after a few additional years, to get into additional opportunities for economic growth and creating good-paying jobs for their citizens. For example, I have said that if we pass this legislation—and it authorizes $3.8 billion in desperately needed funds for rural schools and essential services—we are going to use those 4 years so that at the end of that period, our rural communities can be involved in a number of other economic development activities that will allow their communities to prosper. For example, we

communities can be involved in a number of other economic development activities that will allow their communities to prosper. For example, we know that in our part of the country—and this has been true in much of the land where there is great risk of fire—there is a need to thin some of these forests. In our part of the country, it is second growth. It may be different in the Midwest and Minnesota and other parts of the land.

But the point is, they are working together—people in the forest product sector, environmental leaders, scientists, and others—they are coming together and over the next 4 years will act in a fashion that will allow us to say that, on our watch, by making sure we acted today so these communities could survive, we used this period so that they could get into additional opportunities that would allow their communities to prosper and provide good-paying jobs for their people.

Right now, pink slips have been sent out to county workers, teachers, and others, and without the action that has been achieved in the extenders legislation on a bipartisan basis, led by Chairman BAUCUS and Senator GRASSLEY, without their work becoming law, it is my view that the very fabric of rural communities in our part of the country and over much of the United States will be torn asunder.

A number of colleagues have worked hard on this legislation, and that is because this 100-year commitment we have had with rural America has always been bipartisan. The fact is, Americans who enjoy the National Forest System don't come to the forest and get asked whether they are Democrats or Republicans. It has been something that has been beneficial to our Nation, and in return, we said that our rural communities would be given the funds they need for essential services. The fact is, in much of the country where there is not Federal land, where there is not land in Federal ownership, they sell private property, they tax private property, they generate revenue, and they pay for essential services. That is what is different about my home State where the Federal Government owns much of the land. We haven't been able to do that.

I see my friend and colleague on the floor, Senator CRAIG. We worked together to update our commitment to rural America back in 2000. We put in place, for example, resource advisory councils—and Senator CRAIG remembers this well—that brought together people in the forest product sector and environmental leaders. Several of them said: What you were able to do with Senator CRAIG has people working together in the natural resources field who never worked together before.

So this has been a program that has worked. We have tried to extend it on a multiyear basis. I offered legislation previously with Senator CRAIG. We got 74 votes. An overwhelming majority of the Senate supported this legislation. Yet we were not able to get it enacted into law.

Mr. CRAIG. Madam President, would the Senator yield?

Mr. WYDEN. I am happy to yield.

Mr. CRAIG. Madam President, I thank the Senator from Oregon, Mr. WYDEN, for the work he has continually done on behalf of timber-dependent school districts and this uniqueness that Western States have that have these large portfolios of public land and have grown increasingly dependent upon the action taken by the Federal Government and the reaction in the States and the impact on the economy of local communities. When he and I stood together and worked out Wyden-Craig, Craig-Wyden and worked with our timber-dependent school districts and got it funded, we solved a very big problem.

The advisory committees the Senator speaks to were in themselves a phenomenon in the sense that after 2,300 decisions by those groups to do activities on public lands, and not one of them objected to by an interest group or a suit filed to stop them, Senator WYDEN and I grew convinced that we could work together to resolve our public land issues when we put determination and resource behind them, and that is what we did.

I thank Senator WYDEN very much for staying with this. It is my understanding that in the tax extenders package we will consider this coming week, we will see a reauthorization of Wyden-Craig that will get this work done, send a message back to our school districts and our counties that we are here to help, to assist, and to stabilize the very dire economic conditions those school districts and counties are experiencing. I thank Senator WYDEN for sticking to it and with it because it is that kind of resolve that may solve this substantial problem.

I thank the Senator for yielding.

Mr. WYDEN. Madam President, I don't want to turn this into a bouquet-tossing contest, but the fact is that Senator CRAIG and I have been partners in this for some time. We believed we had a good model when we moved to pass it during the Clinton years in 2000. It has exceeded our expectations in terms of bringing people together and helping these rural communities survive.

I simply say to colleagues that as part of this tax extenders package, by extending the program now through 2011, the legislation would give rural communities the certainty they need to plan for the future and get them off this roller coaster of disaster one day, hope the next, that has been the pattern of the last few years.

There are a lot of exciting things going on in the rural West. My friend from Idaho and I, as we sat on the Forestry Subcommittee, have heard the exciting developments, for example, in projects to thin and restore the Nation's forests, have heard about the good work that is being done in terms of biomass, taking essentially woody waste and turning it into a source of clean fuel. We have been working together to make sure the Federal Government gets the right definition of biomass so that we can allow these programs to go forward. Carbon sequestration would be a third opportunity that we know will be a sensible step because it will help improve the climate and create economic revenue.

So as Senator CRAIG and I sat and listened to this testimony all of these many hours about thinning and biomass and carbon sequestration, it became clear to us that as long as our rural communities weren't denied the funds they needed to keep going, which is what we are talking about today, they could use these next 4 years to get into some very exciting and promising fields in the years ahead.

Madam President, I am very pleased that my friend from Idaho has come to the floor, and I know I have exceeded my time for morning business. I simply say to my colleagues that I hope they will pass the extenders package. The funds involved are for secure rural schools, and it is critically needed now so they can use this time to make sure young people, law enforcement, and other essential needs are addressed.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Madam President, I understand that Senator AKAKA is en route to the floor to speak and possibly put forth a unanimous consent request. He is entering the Chamber now. I know he has time for that consideration. I will not speak as in morning business, but I will close by saying I thank my colleague from Oregon.

The years we have worked together have become a very valuable partnership for the benefit of public land States and for us to recognize the changing world in which we live in these States. But the demand is still on the communities. No matter how the use of public land—or how we apply policy to public land changes, we still have to maintain roads, bridges, and schools if there is going to be vitality in a community that can support new economic opportunity in the coming years. That is what the Senator has so eloquently spoken to. We both recognized that, and we used the Public Land Subcommittee of the Energy and Natural Resources Committee, which I chaired and which he now chairs, as that link and partnership to accomplish a great deal of this. I thank him for that work.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST—S. 1315

Mr. AKAKA. Madam President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 674 and the Senate proceed to its immediate consideration; that all after the enacting clause be stricken, the text of S. 1315, the Veterans Benefits Enhancement Act, as passed by the Senate on April 24, 2008, be inserted in lieu thereof, the bill, as amended, be read the third time and passed; that a title amendment which is at the desk be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. CRAIG. Madam President, reserving the right to object—and I will object because of my concern of the way the given legislation is being handled—this is an issue on which the chairman of the Veterans' Affairs Committee and I have had some difference. At the same time, I clearly recognize the phenomenal commitment of the chairman to veterans and, in this case, to Filipino veterans who served us so gallantly during World War II.

It is my understanding there is a conflict in the House at this minute relating to the passage of legislation the Senate has moved. This is an effort to avert that conflict and bring the bill to a conference committee in a different form by using a House-passed bill. It is a tactic I hoped we would not use to address this important issue. The Senate can and should revisit this issue at another time. I hope we will.

It is with that intent that I object to this unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

The Senator from Hawaii is recognized.

THE VETERANS BENEFITS ENHANCEMENT ACT

Mr. AKAKA. Madam President, of course, I am very disappointed that an objection has been made to this unanimous consent request. The intent of the request is to create a means by which there might be further action on this very important veterans legislation before the Congress recesses next week.

On April 24, 2008, the Senate passed S. 1315, the Veterans' Benefits Enhancement Act of 2007, by a vote of 96–1. Since that time, the bill has languished in the House.

This bill would improve benefits and services for veterans, both young and old. It includes numerous enhancements to a broad range of veterans' benefits, including life insurance programs for disabled veterans, traumatic injury coverage for active duty servicemembers, automobile and adaptive equipment benefits for individuals with severe burn injuries. In addition, the bill includes a provision that would correct an injustice done to World War II Filipino veterans over 60 years ago. It grants recognition and full veterans status to all of these individuals, both those living inside and outside the United States.

In order to cover the costs of S. 1315, the bill would overturn a court decision in a case known as Hartness. That decision allowed for certain veterans to receive an extra pension benefit based solely on their age, a result never intended by Congress. The purpose of the provision in S. 1315 is simply to restore the clear intent of Congress, but some have mischaracterized it as an attempt to withdraw benefits from deserving veterans and grant them to undeserving veterans. This misconception is the main reason that action on S. 1315 has been held up.

I am not interested today in debating the merits of the bill—either the increased benefits or the revenue provisions—but rather ask that the Senator or Senators who object to the request to set up a conference with the House—advise me of their concerns to see if it might be possible to find a way forward. I am very committed to this veterans' benefit legislation and would like to see if we can reach final action before the end of next week. If we are not able to do so, I intend to renew my efforts in the next Congress.

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

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

The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, I wish to return to the issue which has been the topic of the day—and should be, obviously—and that is the stress on the financial systems in the United States.

Earlier in the day, I asked why we couldn't have an adult discussion of this subject rather than a lot of hyperbole and partisanship. I doubt it was my comments that energized it. In any event, the Senator from New York, Mr. SCHUMER, did come down and make a couple of points on how he thought we could proceed. I wish to comment on those specific points and elaborate a little bit.

First off, the term ''Resolution Trust Corporation'' has been thrown around a great deal. I am, as I mentioned earlier today, rather familiar with that term because I was Governor of the State of New Hampshire at the time that we had the real estate meltdown in the Northeast and the Resolution Trust Corporation came in, as well as the FDIC under Chairman Seidman. Chairman Seidman did an extraordinary job, by the way, for us. We had to reorganize our banking system. The assets fell into the hands of the Resolution Trust Corporation, which then proceeded to dispose of those assets which basically had caused the banking system to fail in the Northeast and earlier in the Texas area.

I think that vehicle was appropriate to that time. I think what we are hearing today in the term ''resolution trust'' is the concept, not the specifics of that vehicle. Thus, when Senator SCHUMER said it was inappropriate for Senator MCCAIN to throw out the concept of resolution trust as an approach to addressing this extraordinarily critical matter, I think he may—I don't know, I can't speak for Senator MCCAIN—I suspect Senator MCCAIN's purpose was to talk about the concept of a government entity, such as the resolution trust, which comes in and basically relieves the pressure on the financial markets by creating value under assets which nobody at the present time can value. That is what we need. That is exactly what we need.

I would not dismiss the idea out of hand. I would simply say it is a term of art now versus a specific structure, and the term of art is essentially stating that the Federal Government does have a role potentially of coming in and putting value on assets which cannot be valued by the market and which are locked down and which have caused the whole credit market in the Nation to freeze down.

That is what has happened today, of course, in these mortgage-backed securities. Nobody knows the value of the security underlying the mortgage-backed security and, therefore, it is impossible to sell them and, therefore, the fluidity of the economy has been disrupted and, in fact, we are seeing a freezing of the economy as these securities hold in place instead of being traded.

What has been suggested, and actually, interestingly enough, appears to be the suggestion of the Senator from New York, is we create some sort of structure which allows the Federal Government to step in and essentially put value underneath these mortgage-backed securities by using the good faith and credit of the American taxpayer to essentially set a price for those. He suggested a couple ways of doing this. Let me comment on those suggestions because I think they are worth commenting on.

First, as the price of doing this, he suggests we should change the bankruptcy laws, a proposal debated here at some length earlier in the year, so bankruptcy courts would have the right to write down mortgages in bankruptcy. That is an appealing idea on its face because most of these mortgages are going to be written down anyway. But the issue becomes, what is the cost

of that on the marketplace. If the mortgage underwriter knows there is a potential that the mortgagee may file bankruptcy and that mortgage may be adjusted significantly in bankruptcy, then the cost of that mortgage is going to go up and go up a lot because it is going to have to cover the premium and some actuarial estimate of how many mortgages might end up in bankruptcy, might end up being written down.

As we know, bankruptcy doesn't deal with secured assets such as a mortgage in the sense it doesn't write them down. The secured assets come first. This proposal has its upside from a standpoint of being attractive to a way of getting these mortgages performing again. But it has the downside of probably creating a much higher price for mortgages in the marketplace in the initial offerings.

Of course, what we want to do is make mortgages more readily available in a sound and reasonable way, not in a speculative way, the way they were in the last few years under the subprime system.

There may be a way to do this. I wouldn't close the door to it. I simply say, in looking at this, we have to be realistic and recognize that the cost of writing mortgages in this way will go up, and there may be a way to keep that price from being excessive by limiting the availability of that option. So I am willing—not that it is my role, but I would certainly think it is something to look at.

The second idea the Senator suggested was that we allow the Federal Government to basically buy into troubled banks and get what I presume would be equity back by creating a new entity, a new agency to do that.

That is also an interesting idea, and I respect the fact he brought that idea forward. I suggest that is a long, complicated exercise, however, and we are not in a period where we have a whole lot of time. What we need is something that is going to make sense soon and give us some fluidity in the marketplace reasonably quickly.

Probably the only way we are going to accomplish that is to pursue a course of the Federal Government injecting itself into the process by purchasing mortgage-backed securities in some manner, maybe through one of the agencies we have already gotten possession of—Freddie Mac, Fannie Mae, or one of our other agencies—and taking them off the books of these entities and reselling them in some way that recoups value to the taxpayer. That gets liquidity into the process, and it hopefully gets a stability into the pricing mechanism for these mortgage-backed securities which are at the core of our problem.

Honestly, if we had done this or taken this type of route with stimulus 1, where we used $160 billion, we probably could have abated this entire problem or at least muted it significantly because that is a lot of money, $160 billion. If we had not handed it out in $600 increments to everybody to be spent to buy a television made in China so the Chinese benefited from it—we didn't benefit from it—instead, if we had put it on the problem, which is the mortgage issue and the fact there was a lot of debt nonperforming and where you couldn't ascertain the value and use it to settle out that part of our economy, we might have made great strides earlier, and we might not be where we are today, which is in such dire straits.

I think it is good at least that the topic has been opened, and I congratulate Senator MCCAIN for being willing to stick his toe into this rather choppy water and do it in a way that isn't in the tradition of what one would call classic conservative politics. He is basically suggesting we might need to look at a major initiative through the Government to stabilize the situation. That is a departure. He should be congratulated for being strong enough, creative enough, and mature enough to be willing to step into that direction.

I wish, quite honestly, Senator OBAMA was saying something similar. Senator OBAMA continues to talk, unfortunately, in hyperbole on this issue, sort of out here on some other planet, relative to the reality of the on-the-ground problem. At least Senator MCCAIN is talking about the problem in a mature, substantive way. Obviously, the ideas haven't totally evolved or developed yet, but he is opening a dialog that I think is very constructive to the question of how we get to a solution, as Senator SCHUMER, quite honestly, did in his proposal.

As I said, I have outlined what I think is the point to begin the dialog. This may all be moot anyway because there is significant rumor that the Treasury and the Fed are moving much faster than the Congress, which should not be a surprise, which they usually do. That is why we have them. The Treasury did a good job, in my opinion, on Freddie Mac and Fannie Mae, and the Fed did the right thing with AIG.

Another issue that has been raised, however, that is giving us some problems is the short-selling issue. There has been a lot of discussion about short selling, how it has been predatory and inappropriate. It is true. There is no question but that naked short selling is a serious problem. I congratulate the SEC for pursuing aggressive rules on the equity side of naked short selling so people have to cover what they are doing.

But when you do an event on short selling on the equity side, it opens short selling on the debt side. If a short seller thinks a company is a target and they are going to go after that company, a person who is approaching this from a very predatory approach on the equity side and the equity side is shut down by the SEC or, more importantly, by financial houses, with the British action which basically bars short selling from financial houses until the beginning of next year, then that short seller is probably going to move over to the debt side.

Spreads jump dramatically, and the practical effect of that is it becomes virtually impossible for people to borrow money because the spreads are so high, and that is an equally contracting event. It makes commercial paper very hard to move.

I do hope that as we look at the short-selling issue, we not only look at the equity side but we also look at the debt side. In that arena, there are a lot of different ideas that have been suggested. One that I heard is that you should—and I don't know that this works, but I think it is worth throwing out—is that you have to look at the credit default swap arena and have more transparency so people know what the risks are and they know what the value is and they know what is going on in this arena.

That can be done through creating some sort of clearinghouse along the lines of what we do with S&P futures. That has been a suggestion. Maybe that is the way to go.

In any event, we cannot fix half of this equation, in my opinion, and expect the markets to not adjust in a way that actually continues the retardation of the markets or the retardation of the economy because of the lack of transparency on the debt side as to who owns what and what the spreads are. Not the transparency on the spreads but the fact that people are not going to be able to get commercial paper because the spreads will be too high as a result of the short selling.

I am not talking about eliminating it. I am not even talking about chilling. I am talking about making it more transparent, and that I think will be very helpful.

In any event, it seems to me at least we are getting some good and positive discussion on these issues around here, which is a change, and hopefully we can continue on this track. It may be that the Congress will be out of session before anything can be done, and that may actually be good, too, if we don't have anything good to do. But as a practical matter, I think we have to maintain our flexibility as a government, and we have to be willing to support those who are trying hard in this area to try to get our markets back operating at some level of normalcy, specifically the Secretary of the Treasury and the Chairman of the Fed. And we should not try to hyperbolize this issue and create an atmosphere where the well of opportunity to look at things that are different and creative, maybe outside the tradition of the ideology of one side or the other, is poisoned by excessive partisan discussion.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. KLOBUCHAR. Mr. President, we have some startling new figures about how difficult it has become for the middle class to get by. We now have some new numbers, through the Joint Economic Committee and the work of Professor Elizabeth Warren, that in fact the average middle-class family has lost about $2,000 in wages, $2,000 per year, for the last 8 years, and the expenses have now gone up about $4,400 per year. That is a net loss of $6,400 per year. And with family childcare, you add an additional $1,500 per year. This is how much more expensive it was than 8 years ago.

So we are seeing more and more families in debt, more and more families having trouble getting by due to the failed economic policies of this administration, and as we have seen from the events of the past week, the country is facing an enormous financial crisis, probably the largest we have seen since the Great Depression.

Although the administration is still wary to admit this is a recession, we have seen time and time again over the last 8 months more and more jobs lost. Many institutions—some that have been on Wall Street for decades, some for a century—are finding themselves in the same position as many families were when their house was foreclosed on, with nowhere to go, and secretaries with nothing to their name. People had their retirement money in stock in the company. They were depending on that stock for their future but now have nothing to their name. This week we saw things take an even greater turn for the worse.

When Chairman Bernanke was in front of the Joint Economic Committee back in April, days after the Bear Stearns buyout, there was some talk that maybe that would stabilize things. But Wall Street was simply in denial. When you look at this past decade, Mr. President, you can see it was a decade of greed, a decade of risk, and there wasn't much fear in how those deals were made—jumbo mortgages, securities with no backing. Too much, too much, too much.

Look at IndyMac in California, and Fannie Mae, Freddie Mac, Lehman Brothers, Merrill Lynch, AIG, and all of these firms that insisted they were solvent, until the eleventh hour. That practice put everyone's savings at risk.

Next week, in our Joint Economic Committee, we are going to be hearing from Chairman Bernanke and discussing exactly where we go from here. I believe in this country. I believe we will move forward. But I can tell you lax regulation, decaying agencies, and some of the people who were put in charge of them have led us to where we are today.

I saw it firsthand on the Commerce Committee with the Consumer Protection Agency, a shadow of its former self, with 50 percent fewer employees than it had during the Reagan era. Big surprise when these toxic toys started coming in from places such as China. There was no one there to mind the store. There was one guy named Bob in a back room.

When you look at these mortgage instruments, there was no one watching over them, no one to enforce the rules. As a former prosecutor, I know you can have all the laws on the books, but if you don't have people enforcing them and people who are committed to the purpose of making sure that regular people are protected in this economy, it is not going to matter what laws are on the books.

We also had rampant change in some of our regulations—the Enron loophole. We had the chair of the Commodity Futures Trading Commission before a joint meeting with our Agriculture Committee, and I asked him if he didn't want some more tools in his arsenal so he could maybe look at what is going on with these trades and the speculation going on with foreign countries. Even if you don't want to use them, I asked him: Don't you want those tools we can give to you? As a prosecutor, I figured I wouldn't use every law that was on the books, but I always wanted more tools to look at things.

He said: No, we are fine the way we are. It was that attitude, Mr. President, that got us where we are today. So we are going to have to change things in this country. We are going to have to get some balance. I believe in vigorous entrepreneurship. My State is home to nine Fortune 500 companies and many thriving small businesses. We believe in entrepreneurship in our State, but we also believe there must be a balance and there must be fairness and somebody minding the store. And that has been lacking over the last 8 years.

We do have an opportunity as we look at how we are going to get this economy moving. I mentioned there was so much greed and not enough fear in the last 8 years. Well, now we stand on the precipice of where we don't have too much fear, but we want to move forward as an economy, and there is one thing we know we can do immediately in the next few days. We can make sure the incentives are in place to keep moving forward with this new green economy to compete with other countries and have the right incentives in place.

I am talking about the extenders for renewable energy that have really led to a boom in my State. We are third in the country with wind energy. Southwestern Minnesota is home to hundreds of large-scale wind turbines, helping to make us a leader in wind power. Along with biofuels, these wind energy farms have spurred a rural economic renaissance in that part of our State.

Let me give a few examples of this and examples of hope for this economy as we go forward and how we can put incentives in place so we can keep going.

I see my friend from Kansas across the aisle, and I know he has a picture of a wind turbine in his front office. We know there is a future for this country with development in this area.

In 1995—and this is just an example from Minnesota—SMI & Hydraulics, Inc. began their business in Porter, MN, primarily as a welding and cylinder repair shop for the local farmers and businesses. Today, SMI & Hydraulics, which manufactures the bases for the wind towers we see all across this country, just recently expanded a facility to 100,000 square feet and created over 100 new jobs in just this little town. It is a barn with these big wind bases that actually come out of it. It is an amazing success story.

Last year, the renewable electricity sector pumped more than $20 billion into the U.S. economy, generating tens of thousands of jobs in construction, transportation, and manufacturing. Throughout the country, renewable energy has led us down a path toward new jobs, lower energy bills, and enhanced economic development. We need to move this country forward.

For me, and the State of Minnesota and so many other areas across this country, the protection tax credit is critical to realizing this goal. The protection tax credit, in combination with strong State renewable electricity standards, has been a major driver of wind power development in Minnesota. That is why I was so concerned we might actually lose it. All the studies show if you let it go, about 8 months before it is forecasted to go off, you have an enormous drop in investment, and that is exactly what we don't need now in this country. We need a plan to go forward.

I personally would like to see it go into effect for 3, 4, or 5 years. I have a bill with Senators SNOWE and CANTWELL to put it in place for 5 years. But if all we can agree on today is to extend it for another 1 year for wind, solar, geothermal, and all kinds of renewable products and wasted energy, that is what we should be doing. But I will try. We are working on a bipartisan basis with a group of Senators to extend it for at least 3 years for renewable fuel sources. Because as we struggle with this economy we know, as we say in Minnesota, the approach is not just going to be a silver bullet, it is going to be silver buckshot. It is going to involve all kinds of energy production, increased energy production. But it is also going to involve looking at things in a new way. That has been lacking so much, this long-term look at our economy while other countries have leapfrogged us. While we developed the technology for wind and solar, we have been leapfrogged by other countries. Anyone who watched the Olympics in China knows what we are up against on the world stage for competition. They saw not only the athletes from all over the world but they

saw the precision with which the Chinese were able to pull off that opening ceremony in those Olympics.

We have to get our act together. We have to get our act together for our economy and be sensible and not look at 1-day solutions and 1-day spins. We have to have a plan for this economy, and this is a start, but we also have to have some balance in our regulatory system so our economy can function and our businesses can function as they were meant to.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I join my colleague from Minnesota. I have a map that shows the wind energy capital of the world, the Saudi Arabia of wind, right in the middle of our country. I have a nice corner here in Minnesota with some good wind power. We have a lot right here in the middle of the country in Kansas and we want to harvest it. I am delighted to see that the wind energy piece in the production tax credits is in the bill, the tax extenders bill. That is what I wanted to come to the floor, because it is critical to the investment taking place for wind power generation. We are doing that in this particular bill.

I, as well as my colleague from Minnesota, wish to see these production tax credits extended for a series of years rather than one; planning that arrives in a 3 to 5-year window would give a lot better opportunity for capital to come into the business. I think this is a critical piece we have to get done.

I met with my Kansas wind energy associates yesterday, people putting in these units on a big scale, and small scale. They are saying we need to have these credits in place.

I was at Pratt Community College about a month ago. They have put in three midsize wind turbines that are cutting down the community college's electric bill about $1,000 a week. They are looking at it and saying this credit is a great one, it has a nice payoff. It is right in this zone where we have high wind electric generation. It is working and working well.

I do note for my colleagues, on this particular issue you cannot rob Peter to pay Paul. This is the sort of thing where you have to do all the energy issues. You can't punish one or another. We need all of it. We have said that for some period of time. I hope we would start to do that.

The unfortunate piece of the tax extenders is the pay-for provision of it, where it is going at the refining capacity in the United States. I do not think that is wise at all. I want to cover this briefly here.

Of the $17 billion energy portion of this tax package, that is being paid for mostly by tax incentive freezes and adjustments to other sectors of the energy industry, primarily the refining sector. That is not where we should go. We need more refining capacity, not less. It is not the sort of thing that we should rob from one piece of the energy pie and sector to put it in another one. That is not the way to go forward on this. It is to grow the entire energy piece.

This bill will alter current law and freeze a manufacturing tax deduction at 6 percent instead of the current law, which would raise it to 9 percent by 2010 for the sale and exchange of oil, natural gas, or primary refined products. This is something that was going to be used by refineries to expand refining capacity and was going to provide a tax deduction from 6 to 9 percent. That is a good incentive. It will see the refining industry that is important to my State as well that is looked at, a refining industry that has been punished by Hurricane Ike, in rebuilding, to use that money to encourage more refining capacity in the United States. We need to do it rather than to tax it.

That is why I urge, when we look at these in the future, we do not punish one piece of the energy sector to pay for another one. I support wind power generation. It is key and critical. I am very supportive of the wind package in here. I want to make sure that we do all in the energy field because we need all of it in the energy field. We do not want to continue sending $500 billion overseas every year for oil. Much of that goes to countries that do not like us. We need to be able to do more of the production and the refining here in the U.S., and the current state of the technology will allow us to do it.

We have somewhere between 10 and 18 billion barrels of oil available under 2,000 acres in ANWR, along with another 45 billion barrels available in the offshore and deep water areas of the Gulf of Mexico. Unfortunately, many of those proposals, we are not going to be able to vote on here. We need to be able to get at that oil and we need to be able to get at the oil shale production in the western United States—in Utah, Wyoming, and Colorado.

I note to my colleagues, we need to do all of it. On this side of the aisle I think they will find support for all of it, but not to pick pieces of it.

There is another thing I want to point out, and I don't have the map here, but I think it is illustrated by the map I do have here. We have a lot of electric wind power capacity generation, given the strength of wind we have in our State. But we need to be able to move that to markets; we need to be able to move it to markets in my State but also be able to move it across State lines as well to be able to take advantage of this energy production. To do that you need backbone lines to be able to move it.

A lot of times you are going to need that wind to mix with, whether it is natural gas electric production, coal or nuclear production. We need to expand those so you have the base load there to build the wind energy into, to have the pipelines of electricity to move it to various places in the market throughout the country.

We need a 21st century grid. That is going to require not just wind being harnessed to it but also the base power being generated for times in the season and places where wind is not blowing, to be able to move it. I urge my colleagues to look at this as the total package. That is how we move this forward and how we balance the three E's of energy, environment, and the economy. It is all of them working together to get us a more stable economy, having more of this energy production here at home and having a better environment in the process. It is not just throwing any of these out in the process to get that done.

I hope in a new Congress, when we can look at these things, and in a new administration, I hope we can look at these things together and work them all in together, balancing those three E's to move the country forward.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BROWN. I ask unanimous consent to speak for 5 minutes as in morning business.

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

Mr. BROWN. Mr. President, in the last 18 or 19, 20 months since I have been a Member of the Senate, joined by my friend from Rhode Island, I have held, around my State, about 115 or so roundtables in most of Ohio, all of Ohio's 88 counties, from Mahoning County to Ashtabula to Williams County, from the southeast to the southwest, all over the State, listening to groups of 15 to 20 people for an hour and a half or so tell me about their hopes and their dreams and what we can do to build their communities and help strengthen the middle class in the State.

I hear regularly, in more emphatic terms almost every month, about the anxiety facing our State's middle-class families. They can be as rural as Fulton County or Highland County, they can be as urban as Cuyahoga or Franklin or Hamilton County, or they can be in between, places such as Mansfield and Lima and Zanesville and Chillicothe and Portsmouth. I hear people in Ohio who work hard, who play by the rules, and they are watching too many of their jobs or their neighbors' jobs move overseas. They are seeing their own health care and energy costs soar. In far too many cases, even in unionized plants, they are seeing their pensions disappear.

I hear this sense of betrayal. People understand—intuitively understand—that in most of the last 8 years, especially up until last year but even so,

still, how they feel this Government has betrayed the middle class. When President Bush had control of the House and Senate, with the Republican majority in the House and Republican control of the Senate and Bush and Cheney in the White House, they saw the drug companies writing the Medicare laws; they saw the insurance industry dictating health care policies; they saw the oil industry ramming through energy legislation; they saw Wall Street pushing these job-killing trade agreements through the House and through the Senate. They understand, again intuitively, that the Bush-Cheney-McCain ideology that markets can always police themselves is bankrupt.

Every year of the Bush administration and every year of Republican control of the House and Senate, we heard this mantra, this conservative orthodoxy that markets always do the right things; that markets can police themselves; that any regulation is evil; just open our country, no reason for environmental rules, no reason for worker safety rules, no reason for rules, period, governing financial institutions.

Let's take one issue. Imagine if George Bush and Dick Cheney and JOHN MCCAIN had gotten their way 3 years ago, in January 2005—I believe January or February. President Bush and JOHN MCCAIN and Dick Cheney authored their scheme, their legislation—call it legislation—to privatize Social Security. This risky, reckless privatization scheme they were trying to push through Congress met incredible opposition, not just from Democrats in Congress—because we believe strongly in a Social Security that works, not one that is privatized, that Wall Street gets its hands on—but the American people spoke resoundingly, loudly, clearly that they did not want this Social Security privatization.

But go back. Imagine if the voters of Rhode Island or the voters of my State of Ohio—if George Bush and JOHN MCCAIN had gotten their way 3 years ago with that risky scheme to privatize Social Security, imagine what American seniors would think today as their private Social Security accounts disintegrated before their eyes. Imagine the next Social Security statement they would get after we have had a week like this, when they opened up the envelope that was mailed to them that itemized how their private accounts were doing, their Bush-Cheney-McCain private accounts.

Imagine what choices they would face. Their food prices are already going up. Gas prices are through the roof. Heating prices, especially in States such as Rhode Island and Ohio—imagine what seniors in Dayton and Findley and Bowling Green and Akron and Canton would think when they opened their Social Security statements and saw what had happened, as they look forward to the winter and high energy prices.

Look at JOHN MCCAIN's economic advisers. I have not been privileged to serve in the Senate that many years. I was in the House then, and I was not here when Phil Gramm served as a Senator. Phil Gramm was JOHN MCCAIN's economics mentor. JOHN MCCAIN looked to Phil Gramm for advice about economics. Phil Gramm is the one who said we are not in a recession; we are in a mental recession. Americans should just get over this. Then he told Americans to quit whining. It is easy for Phil Gramm who, I assume, has a pretty good pension. I also know he is now an investment banker and adviser to large corporations. I am sure he is making a salary of several multiples of what he was making in the Senate. So, to him, recession doesn't much matter. He is still cashing his bonus checks. I am sure he doesn't whine about his economic situation. But I am equally sure he doesn't understand the economic woes of people in Galion and Cambridge and Bellaire, OH.

I am equally sure both JOHN MCCAIN and Phil Gramm probably own more homes each than almost anybody in any of those communities and don't face these kinds of economic problems. Phil Gramm said he wants to be Treasury Secretary if JOHN MCCAIN is elected.

Look at one of his other advisers, Carly Fiorina, ousted CEO of Hewlett Packard. She pretty much failed at her job, was ousted, and was given a huge golden parachute. She is JOHN MCCAIN's chief economic adviser in the campaign. Phil Gramm was the mentor. Now Carly Fiorina is his chief economic adviser. She said she doesn't think JOHN MCCAIN is capable of running a corporation, and she wanted to be Vice President.

I guess I should not be surprised that Ohio's middle-class families intuitively understand they can't afford four more of Bush, CHENEY, and MCCAIN, of deregulation and privatization, how so many in this institution—and unfortunately, Senator MCCAIN—are so out of touch with the middle class of Ohio, the people he is going to ask to vote for him. I think none of us are fooled by this latest change in rhetoric where Senator MCCAIN is all of a sudden showing an anger at what these companies and Wall Street have done.

As we know, JOHN MCCAIN was one of the cheerleaders not just for privatization of Social Security, he was also a cheerleader for deregulation, saying we have way too many regulations, too many environmental, worker safety, consumer product safety, and health regulations and rules on Wall Street.

We know when you relax regulation of consumer product safety, you get toxic toys coming from China. When you relax regulation on food safety, you get too many cases of E. coli. You get too many contaminated ingredients that end up in drugs such as Heparin that killed several people in Toledo, contaminating prescription drugs. When you weaken environmental laws, we know what happens. When you weaken food safety laws, consumer product safety, all the things that Americans care about, and when you deregulate Wall Street, we know what happens. It is pretty clear but nowhere is it clearer than it is on Social Security. I know the Senator from Rhode Island and I and the majority of people in this Senate want to protect Social Security, don't want to privatize it. JOHN MCCAIN, George Bush, and DICK CHENEY tried to privatize it back in 2005. We know if they get a majority in the House and Senate, they will try to privatize Social Security again. It is bad for the American people.

We saw this week the best illustration yet of what happens if this crowd in Washington, the people who are so out of touch with the middle class—JOHN MCCAIN, George Bush, DICK CHENEY—if they get their chance ever to privatize Social Security, far too many of my constituents will be hurt.

Mr. DURBIN. Will the Senator yield for a question?

Mr. BROWN. Yes.

Mr. DURBIN. I thank the Senator for his comments. This whole concept, the underlying philosophy that you will hear from President Bush and Senator MCCAIN with his support, is the notion of the ownership society which, to put it in shorthand, means: Just remember, we are all in this alone. They believe when it comes to at least the issue of Social Security, it would be preferable to divert money from current benefits and to put it in the stock market. That was the notion supported by JOHN MCCAIN and President Bush which the American people rejected. It is my understanding as well that Senator MCCAIN has taken this ownership society idea to the notion of health insurance too, that they would penalize employers that provide health insurance and give people a tax break to go out into the market and go shopping for their own health insurance policies.

I ask the Senator if he has any reaction to the notion of individuals and families shopping for health insurance, not as part of some pool where they work but on an individual family basis.

Mr. BROWN. The first thing Senator MCCAIN would do is tax those health care policies that tens of millions of Americans have. In my State there are an awful lot of still pretty good health care policies, health care coverage, often negotiated by unions, often extended voluntarily by employers. Senator MCCAIN wants to tax the worth of those policies. So if you have a policy worth $6,000 for your family, then that would be taxed under the McCain plan. He turns around then and gives some tax breaks in their place. But the net effect simply means it isn't going to work.

It goes to the heart of our philosophy as a people, the values we hold. The values that we hold, in my view, are about communities. We really are in this together. Our country works best when we are cooperating, working together. We pulled together after September 11. We pulled together during

World War II. When we pull together and work together, things work for everybody so much better.

Senator MCCAIN is taking up where George Bush and DICK CHENEY left off. They think it is every man and woman for himself or herself: privatization of Social Security, messing with employer-based health benefits as they are, without replacing them with anything that makes any sense. The ''you are on your own'' attitude makes no sense for the American people. The more people know about this, the more upset they are going to be.

Mr. DURBIN. I don't know if the Senator, when he was a Member of the House, ever served with Phil Gramm, who is from Texas. I did. Then Senator Gramm came over and represented the State of Texas in the Senate. For the longest time, Senator Phil Gramm was the economic adviser to JOHN MCCAIN, not just on a campaign basis but on a personal basis. They shared a lot of thinking together. It was Phil Gramm's inspiration that moved us to this moment now where we have a lack of oversight, a lack of accountability when it comes to basic investments and credit institutions. The Gramm-McCain view of the world was government should step aside and get out of the way for the magic of capitalism and the magic of the free market. There is no question that the entrepreneurial spirit is a major part of the success of America, but time and again in history we have seen that if there is not a government entity involved in oversight, demanding accountability, many times the forces in the market go to extremes.

What we have seen in the last 2 weeks are the extremes of the Phil Gramm-John McCain approach to regulation. In fact, Senator MCCAIN prided himself by saying he was one of the leading deregulators in the Senate. In the last couple days, as companies have been crashing and taxpayers have been picking up the bills, he now says he favors regulation. I ask the Senator, isn't this part of the same mindset, privatizing Social Security, privatizing health care, and basically removing the government from market operations that can ultimately damage investors, savers, retirees, and the taxpayers?

Mr. BROWN. There is no question. Earlier we were talking about Phil Gramm, who says we are in the middle of a recession and Americans should quit whining; Phil Gramm, whose income is many times what it was in the Senate, and we are paid very generously in this body. JOHN MCCAIN has followed the policies of the Bush-Cheney administration, but he gets his advice, if he ever strays, from Phil Gramm. Phil Gramm was his mentor on his economic views.

If you remember JOHN MCCAIN said several times in the last couple years, I don't know much about economics. He may or may not. Apparently, he doesn't know much. But what he does know comes from this very corporate, very privatized way of thinking that Phil Gramm has taught him. He has carried that into the campaign as Phil Gramm continues to advise him on economic matters. Just because JOHN MCCAIN is saying some things today that you and I agree with about going after Wall Street and that I want regulation, his whole history is deregulation, fighting for deregulation, doing Wall Street's bidding, doing the oil industry's bidding, doing the health insurance companies' bidding.

Mr. DURBIN. I would ask the Senator from Ohio, is it fair to say when it comes to regulation that Senator MCCAIN was against it before he was for it?

Mr. BROWN. I think he was against it before he was for it. He was for the head of SEC, Chris Cox, and now he is against him. Maybe tomorrow he will want Secretary Paulson fired. I don't know. He has been for a lot of things before he has been against them, unfortunately. I thank the Senator from Illinois.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

TAX EXTENDERS

Ms. CANTWELL. Mr. President, I come to the floor hoping that the two leaders, Senator REID and Senator MCCONNELL, might be close to getting an agreement that allows us to move forward on voting on the tax extenders package, including the critically important energy provisions. While we wait for that, I thought I would take an opportunity to come down and mention some of the key provisions of the bill and also to thank many people who have worked on it.

We are the cusp of breaking this logjam on clean energy tax policy and pushing the United States into more of a leadership position on clean energy technology. Getting to this point took a lot of work and dedication. Senator REID of Nevada, obviously coming from a State that has incredible resources to participate in this, has long been an advocate of renewable energy. He instinctively understands what it is going to take for us to get off of fossil fuels and on to other alternative, more sustainable technologies. He has consistently forged a consensus on critical issues in the Senate. I know Senator REID knows how desperately our Nation needs to get on this path toward energy independence.

I also take the opportunity to thank Senators BAUCUS and GRASSLEY for their commitment and leadership. I don't think there has been a time during this whole process that these two wise leaders of the Finance Committee have waivered, and we have had many votes to try to get to this point where we are today.

I especially want to thank the Finance Committee staff: Cathy Koch, Pat Bousliman, and Mark Prater, who all worked long hours crafting the overall package. While I will not talk about the overall package, I will talk about the energy provisions. I thank them for their hard work. It takes a lot of time and energy. I also thank Senator ENSIGN and his staff, particularly Jason Mulvihill, who spent many hours working with my staff, Lauren Bazel and Amit Ronen, and my chief of staff Maura O'Neill. All have worked on this in a bipartisan effort to try to get this legislation across the finish line.

It is a bipartisan effort that got us here today. And I hope we will continue bipartisan efforts on many of these policies moving forward because that is what it is going to take given the structure of the Senate for us to continue to move forward on important legislation.

What are we doing in this Energy bill that is going to hopefully be before us this evening? First and foremost, we are doing several things that are new, new policies that will help our nation realize a clean energy future. First we are unleashing the power of solar energy. In 2005, we took a very important step by incenting solar energy for 2 years. Now we are doing something much more robust. We are giving an 8-year investment tax credit to the solar industry because we believe that it will unleash the potential of this unbelievable energy source for our Nation. We think that over 440,000 new jobs could be created in the solar industry just in the next 8 years. Much of that growth is coming from new concentrating solar plants, a breakthrough in technology that has great promise to provide affordable and predictable baseload power in rapidly growing parts of the Southwest. Without this bill that is going to be before us, electricity rates surely would have risen in these fast growing parts of the country, and our environment would have suffered.

Now if we pass this bill, States such as Nevada, Arizona, and New Mexico not only will be able to produce emission-free solar power at a stable and affordable rate, but the industry will be a new source of manufacturing jobs for this part of our country. The new 8-year investment credit will also, I believe, unleash a similar opportunity for fuel cell technology because we are giving this nascent industry great predictability.

Second, we are jump-starting the transition to plug-in electric vehicles. This is the first time we are giving tax breaks to consumers who purchase plug-in electric cars, trucks, and SUVs. These are cars that are about to appear on the showroom floor, and may achieve 100 miles per gallon. By giving consumers up to a $7,500 tax rebate per vehicle, we can accelerate the adoption rate and the mass production and, I believe, help this game-changing technology be deployed more quickly.

This provision was part of a bill that Senator HATCH, Senator OBAMA, and myself began working on over a year and a half ago. We recognized that our current electricity infrastructure,

when it is matched with plug-in vehicles, could help us displace 6.5 million barrels of oil a day. That is an amount equivalent to 50 percent of our foreign oil imports.

And instead of paying $4 a gallon, as many consumers have paid in the last several months, with a plug-in electric vehicle you can fill up with electricity for the equivalent of only $1 per gallon. Wouldn't that be terrific for our consumers today?

Third, this legislation is a big step forward on giving every American the opportunity to generate their own power. With the advent of distributed generation, now individual homeowners will be able to generate their own electricity, produce their own hot water, and monitor their own energy uses and, consequently, save precious dollars.

This bill contains new incentives for residential solar, small wind turbines, and smart meters—all things that empower the consumer with the ability to control and reduce their own energy costs. For example, consumers can receive a Federal cost share of 30 percent for installing solar photovoltaic or hot water systems on their roofs, and for the first time we are eliminating the cap on residential solar tax credits. Lifting the cap will encourage residential homeowners to put on even bigger renewable solar systems, allowing them to sell clean energy back to the electricity grid used by other families.

We all know about big wind farms. We have seen pictures of them. Some of my colleagues have wind farms in their State. But for the first time, this bill provides a tax credit to homeowners who put small wind turbines onto their property, which can also generate a source of electricity in windy rural farm and ranch areas across our country.

This legislation also incorporates a credit for installing geothermal heat pumps, which is really one of the cleanest and most efficient ways to heat and cool your home. This technology uses the constant heat of the Earth to make or take away the heat in our homes, instead of burning fossil fuels into the sky.

One of the provisions I am very enthusiastic about—and I thank the chairman of the committee, Senator BAUCUS, for including this in the legislation—is smart metering technology. Smart metering, along with these other uses, is going to be so empowering for the consumers because smart meters are an essential component of making our electricity grid more intelligent, making it smarter about how we use electricity, making it less prone to blackouts. By putting smart meters in this tax package, hopefully the adoption rate will also pick up and be spread more quickly. Smart meters will allow for real-time pricing that will let consumers know how much energy they are consuming so that they can adjust their consumption accordingly to lower their electricity bills. The smart grid example I always like to use is to set your dishwasher to turn on at the lowest megawatt rate. Having that capability across a range of technologies could end up giving consumers significant savings.

This legislation also gives consumers access to over $10,000 in tax credits to purchase technologies that can lower their energy bills. For example, this bill allows consumers to use up to a $500 tax credit for installing energy-efficient appliances, windows, and insulation. It also provides consumers incentives for solar PV panels, solar hot water heaters, and residential wind turbines.

There is also a $300 tax incentive for the purchase of clean-burning wood stoves. In fact, I think that provision alone will give Northeast consumers an opportunity to significantly reduce their home heating bills because more efficient, new wood-burning stoves can help consumers get significant reductions to their winter heating bills by moving toward this new state-of-the-art technology, to say nothing of helping the Northeast get off of home heating oil and on to things such as wood-burning pellets, which are renewable and can be much more economical.

So there are other things in this bill about biofuels, about clean energy credits for nonprofit organizations, and I am sure my colleagues will come and talk about other things. But there is one last point I wish to make about this legislation because I really do think we are making a game-changing decision here as it relates to clean energy and our clean energy future. That is because another breakthrough in this bill is that it is the first time I know of that the Senate is voting to take away tax breaks from the oil and gas companies and reallocate those funds to renewable energy sources. This is the first time, I believe, we are truly beginning to level the playing field, taking away subsidies from those mature and profitable industries that I think have had too many subsidies for too long a time. This bill says we want our energy future to be based on more diverse and renewable energy sources that are better for our environment.

In 2005 energy bill—one of the last times Congress considered new energy tax policy—the authors chose to give two-thirds of the tax breaks to the fossil fuel and nuclear industries. This bill flips that ratio on its head. Two-thirds of the tax incentives in this package go to clean energy generation, helping consumers take more control of their own energy costs.

So we are putting our money where our mouth is. We are saying we want to invest in cleaner, more distributed generation that is domestically produced and environmentally friendly.

So I am proud of this energy package—and hopefully tonight we will get it passed—that unleashes the power of solar, that empowers consumers with incentives to reduce their energy use and to be in the production of cleaner energy themselves, for which this legislation gives up to $10,000 in tax breaks, and it certainly helps level the playing field as far as public policy by starting to incentivize clean energy over our historic dependence on fossil fuels.

I hope we can get this legislation passed because not only will it be an economic opportunity for job growth in America and for manufacturing, but it will also provide real opportunities for Americans to save real dollars on their energy bills. I hope my colleagues will join me in passing this package. I hope we can get it through the House quickly and get it signed by the President so we can get about having the energy relief America deserves.

Mr. President, I also want to highlight the additional tax relief to American families and businesses that we will provide when we finally act on the other tax extenders.

The 2-year extension of the State sales tax deduction is critical to the struggling families in my State who just can not afford to face the potential tax increase they would face if we fail to extend the deduction for State sales taxes.

I am pleased we give taxpayers certainty for 2008 and for 2009.

And I am pleased this deduction means real money for real families.

In 2006, more than 880,000 Washingtonians claimed this deduction. And 49 percent of those folks made less than $75,000.

This deduction meant an average of $600 more in the pockets of Washington State taxpayers.

This is an issue of fundamental fairness and I will continue to work to make this deduction permanent. No one should be left in the dark wondering if the deduction will be extended from year to year. They just can't afford the uncertainty.

I am also pleased to see us restore the R&D tax credit for 2008 and extend it through 2009.

This tax credit has a strong history of supporting much needed high-wage jobs in the United States.

The Information Technology Association of America estimated that if the tax credit was in place during 2008, there would have been $8.5 billion more in economic activity this year.

That is investment that Americans could have greatly benefited from. And it is economic activity we can still benefit from if we act now.

Clearly, given that our economic news only gets worse each day, we can't afford to turn away the $51 million per day in new investments that are at risk if this credit is not extended.

And this bill fulfills the promise we made to support our rural neighbors by reauthorizing our Secure Rural Schools Program and fully funding the Payments in Lieu of Taxes Program.

This will mean an influx of around $47 million a year for 4 years for some of our rural counties that have a very small tax base because Federal lands take up so much of the county.

Facing the expiration of these payments this year, rural counties have been forced to begin laying off teachers, librarians, and county employees that provide critical services.

And these communities cannot absorb the loss of these workers. Nor should they have to deal with further erosion of the sense of community that many of their towns were founded on.

But today we are reversing this trend and helping counties retain county employees and teachers, keep roads safe and maintained, stemming cuts in vital government services, while also providing funding for resource conservation projects, forest service land rescue services, and programs to support economic development.

This bill not only provides new opportunities for American businesses to take advantage of the growing green energy economy, but it provides real opportunities for Americans to save real dollars.

So today I ask my colleagues to join me in voting for a strong, bipartisan tax package that helps move this country forward toward greater energy independence and provides needed tax relief to our families and businesses.

I would also like to take a moment to recognize the mental illness parity provisions in this bill. What they mean is that when Americans need mental health treatment that they will not be faced with higher costs for that treatment than they currently have for medical surgical treatments. This bill would require private insurance plans that offer mental health benefits as part of the coverage to offer such benefits on par with the medical surgical benefits. Any cost-sharing or benefit limits imposed on mental health services must not be any more restrictive than those imposed on medical surgical services.

Your support on all of these provisions cannot wait any longer. We have run out of time, and the time to act is now.

I thank the Presiding Officer and 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER OF BUSINESS

Mr. REID. Mr. President, for the information of Senators, we are trying to work things out here. It has been very difficult. At this stage, it appears that the vote on cloture on the Coburn package will be vitiated. We will not have that vote tonight or in the morning.

We are now waiting to see if we can work out an agreement on the extenders. This has been something that the chairman of the committee has worked on all day, and it has been very difficult. We thought we had it worked out on a couple different occasions, and we did not. We now are told that one Senator who had a problem with it is reading the new language. We hope that can be done fairly quickly. That being the case, we will be back and report to the Senate again, hopefully in the next half hour or so.

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

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

TAX EXTENDERS AND DISASTER RELIEF

Mr. CORNYN. Mr. President, earlier the majority leader came to the floor and propounded a unanimous consent request on the tax extenders package, and I told him that while I supported the legislation, there are a lot of good things in the bill, I still had some concerns about the disparate treatment of the State of Texas, especially related to Hurricane Ike.

I am pleased to report that as a result of discussions with the Finance Committee—Senator GRASSLEY, Senator BAUCUS, and their staff—I believe we have achieved our goal of getting fair treatment for the State and the victims of Hurricane Ike. I wanted to come to the floor and express my gratitude to Senator BAUCUS and Senator GRASSLEY. We are reviewing the final language, but subject to that, I think, as far as I am concerned, there is no objection to proceeding to the bill.

As I toured the hurricane-damaged area last weekend——

Mr. BAUCUS. Mr. President, if the Senator would briefly pause, I wish to thank the Senator from Texas. The Senator has been great to work with as we worked out some provisions to help that State, especially the Galveston area, and the coastal States in getting additional disaster assistance. I thank the Senator as well as his colleague from Texas. We will come back to do more at a later date, but we are doing what we can on this bill, and I say thanks to my colleague for working so well with us.

Mr. CORNYN. Mr. President, I appreciate the generous comments of the distinguished chairman of the Finance Committee. I especially enjoyed the part where he said we may come back later for more once we have been able to do further assessments. That is an important part of the rationale for agreement on this bill. We understand we can't do everything that needs to be done in this bill because the hurricane only hit this last weekend. There are a lot of people who have yet to be able to get back to their homes, a lot of folks without power, a lot of damage that is ongoing that cannot be fully calculated.

I had the chance, when traveling around the damaged area, to witness the destructive capacity of this huge hurricane and hear from a lot of my constituents, a lot of displaced Texans who were trying to find the necessities of life, including food, water, and shelter. Of course, they were very anxious to know about their homes, whether they would be able to return home, when they would be able to return home, and what they would find when they got there.

I appreciate that the chairman of the Finance Committee has included in the extenders package things such as bonus depreciation and expensing. These may seem like arcane subjects, but they actually mean a lot. They will mean a lot to the people of my State when it comes to rebuilding and getting back on their feet and getting back to work.

I understand the unique circumstances we find ourselves in and the need to get the extenders package passed, which, as I said earlier, I support. I offer my congratulations to Senator CANTWELL, who is on the floor, and Senator ENSIGN for their leadership. They have been working hard and long at trying to get this done, and I know we are almost over the goal line.

Included in the package is an extension of the State and local sales tax deduction. This is something that is important to my State and to the other States that do not have an income tax. Because, of course, you can deduct your Federal income tax from your—or your State income tax from your Federal income tax, but if you don't have a State income tax, as Texas does not and, I might add, never will, this provides a level playing field by allowing the deduction of State and local tax.

This also includes an extension of the very important research and development tax credit which helps many companies in Texas and around the country be competitive in the globalized economy.

This measure also includes the extension of several renewable energy tax credits that have helped grow the Texas renewable energy industry. I know my colleagues get a little tired of Texans always bragging about Texas, but I am not going to stop now. We are No. 1 in the production of electricity from wind energy. Many people think of Texas as an oil and gas State, and we are that, but we are much more. We are an energy State. Credits for wind, solar, geothermal, biomass, hydropower, clean renewable energy bonds, fuel cell, and credits for residential energy efficiency home improvements are helping to diversify our Nation's energy portfolio and are a significant contribution toward answering the energy crisis we find ourselves in today.

This measure also supports the clean use of coal. Coal, of course, is cheap. It is domestic. We have a lot of it. We are sometimes called the Saudi Arabia of

coal here in the United States. Its use is essential to helping reduce our dependence on imported energy from abroad. Of course, coal can burn dirty, and we need to continue to do the research and development that is so important to finding ways to use that energy with which we have been endowed here in this country in a way that results in not only good and inexpensive energy use, but also a good, clean environment. We need to spur the advanced technology market to capture carbon and sequester it. Of course, the Federal Government has sort of been involved in a start-and-stop effort to try to do that kind of research. As a matter of fact, two cities in Texas, Jewett and Odessa, were finalists in the Federal Department of Energy effort to do an extensive research project into clean coal technology. Unfortunately, that got so big and expensive that the Secretary of Energy decided to basically go another way.

The fact is we have the geology in Texas because of a lot of old oil wells that could sequester carbon dioxide, and we also know that the capture of carbon dioxide has many beneficial uses, particularly when it comes to secondary recovery and tertiary recovery in old oil fields.

Another key part of solving our energy crisis is the transformation of our transportation sector through the use of plug-in electric vehicles and other alternative fuels. This package establishes a new credit for consumers who purchase plug-in electric vehicles. Now, I am still a little bit skeptical of how many people in my State of 24 million people are going to decide to trade in their pickup truck for a plug-in hybrid vehicle that has a battery that will go maybe 40 miles. That won't get you very far, particularly out in west Texas. But I think in a lot of places, that kind of technology, hopefully, will come to the market as soon as 2010. I know GM is going to introduce the Volt and I know other car manufacturers will be introducing their own models of these plug-in electric hybrids, and I think this new credit will provide that choice and that option to consumers in Texas.

So I thank, again, Senator GRASSLEY, Senator BAUCUS, and the Finance Committee staff. I wish to extend my appreciation to my colleague, the senior Senator from Texas, Senator HUTCHISON, for all of her hard work. We have tried to work together, and have worked together, in the best interests of our State, but also in a way that I think creates a win/win for the people of America. I believe this effort is the first step to making Texas whole again, and I trust that our colleagues who have expressed so much sympathy and concern for the people of Texas who were affected by this terrible hurricane will have long memories.

When we come back after this bill is passed, we will continue to work together on other important measures to make sure that each of our States affected by natural disasters, wherever they may be, will be treated in a fair and evenhanded sort of way. Senator HUTCHISON, of course, has been taking the lead when it comes to working on what I anticipate will likely be a supplemental appropriation request. But as I said at the outset, this hurricane is very recent. There are still a couple million people without power, and the assessments are still being done. But we will be back and we will be seeking the further—not only words of support from our colleagues, but something real and tangible in terms of support for the people of our State.

I see my colleague, the senior Senator from Texas on the floor, and I certainly yield the floor to her.

The PRESIDING OFFICER. The senior Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I wish to say to my colleague from Texas that we have been working together all day on the tax extender package, because there are many facets that affect Texas in this tax extender package. Then, on a separate note, I am certainly working with our whole delegation on the appropriations part of the continuing resolution we expect to see next week.

I so appreciate working with the chairman of the Finance Committee, as well as Senator GRASSLEY. Both Senator BAUCUS and Senator GRASSLEY have been very helpful in trying to fashion an addition, actually, to the tax extender bill because, of course, as Senator CORNYN has said, this hurricane hit our State last weekend. We have seen the pictures—all America has seen the pictures—of the streets of Galveston, the former streets of many of our areas, and the residents who still cannot get back into their homes, including 2 million people who still don't have power. So we know the devastation that has hit our area, but we don't know yet what the total cost is going to be, because we can't even get into Galveston to start making assessments. Certainly Port Arthur, Orange, Beaumont, the lower parts of Harris County—all the way through our area, we are seeing the effects of this storm that are not yet calculable.

The Finance Committee has agreed to add into the bill, that was already on the way, the help that Texas and Louisiana are going to need because of Ike in the tax part of the extender package. The disaster part that will be added in is going to be very helpful to the private sector and the ability to start getting the housing up and going in these areas that have been completely wiped out. I think that later, when Senator BAUCUS comes to the floor, we will want to talk about it to make sure it is clearly understood exactly what the effects will be on Texas and Louisiana. But our delegations have worked very closely together with Senator BAUCUS and Senator GRASSLEY to achieve what I think is a good result.

In addition to the disaster part of the bill, there are important parts of the tax extender package that will affect all of our communities. Certainly in Texas, the sales tax extension that is a matter of equity for States that don't have income tax, to be able to have the same deduction for our sales taxes that income tax State taxpayers have for theirs is a very important component of the tax extender package. Then, again, since Senator BAUCUS has just walked on the floor, I wish to say that I think what has been worked out on the oil and refinery tax issue from the manufacturing standpoint, along with the additional two years of the expansion of refinery tax credit, we are going to be able to continue to build out the refineries that will affect the price of gasoline all over our country, because as we are seeing right now, due to Hurricane Ike, the shutting down of refineries affects the price of gasoline everywhere. If we can add to the capacity of our refineries all over the country—this is not only Texas and Louisiana; this is Michigan and everywhere where there are refineries—if we can add to that capacity, it adds to supply, and it will bring down the price of gasoline. The extension of 2 years is going to be very helpful for refineries to have an incentive to do even more than they have already been committed to do.

Certainly, I think the addition of the manufacturing tax credit, even at the lower level, will also add to the capability as these Gulf of Mexico rigs and refineries are spending millions of dollars, not only on cleaning up the damage and trying to get back up and operating, but they are also helping their employees at a time such as this with the problems they are having with their homes being gone and their living conditions being unable to be sustained.

I thank the Senator from Montana, the chairman of the Finance Committee, for working with us on that. I ask if the Senator is ready to go with a colloquy, or should we wait. I don't know what the status of the tax extender package is at this point, but perhaps he would be able to tell us.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I think someone is getting the colloquy together. We don't have it at the moment. However, I think we can basically have an impromptu colloquy right here to handle most of it, and if we want to do more later, we can do so.

Essentially, the Senator from Texas very correctly and appropriately called me and said we need to do more for Texas, including Galveston, and some other coastal counties. I said to the Senator, if the disaster provisions in the tax bill, which were somewhat patterned—basically patterned—after the Katrina provisions, many of those would apply to Texas. With the consequences of Ike and Gustav, we went back and looked so we could do more.

The slight problem we faced is it takes some time to pinpoint and to write precise tax provisions that affect

the areas that are hit by disaster. We don't want to give relief to counties or portions of counties where there is no disaster. That would not be the correct thing to do. In fact, we ran into that problem back during the time of Katrina when the initial request, which was, on the surface, appropriate, but when we looked more closely, there were too many dollars spent inappropriately and not enough spent appropriately. It takes a little time to work that out.

After about 2 months, we talked to mayors, local people, and disaster people to make sure we tailored it well. We ended up with a result that was quite good and appropriate. It wasn't as large as the initial estimate, but the initial estimate was way overblown. It was not well tailored. I mentioned this to the Senator from Texas, and she said she understood. On the other hand, she said, ''We need help here.'' I appreciated that and said: You bet.

I tried to find some ways to provide additional disaster assistance in the bill that I hope we take up on Tuesday. Essentially, what we worked out is an increase in the allocation of low-income housing tax credits, as well as an increase in the allocation of private activity bonds. The total amount is geared for those counties on the coast. I think there are four or five coastal counties which were hit the most.

But to make sure we are not too locked in, we also give the Governor the right to reallocate the benefit of these provisions to other areas in Texas but under the total amount. The thought is that we are helping, that way, tailor the assistance most appropriately and specifically.

I say to my friend from Texas, it was good to work with her to find the combination, as I said to the junior Senator from Texas, and there would be an opportunity to come back later for more if that is appropriate.

Mrs. HUTCHISON. Mr. President, the key provisions that the Senator outlined are exactly what we have agreed to in that we would get extra amounts that would be allocated for the five coastal counties in Texas and into Louisiana. Because the amount is higher, the Governor would have discretion, within the other disaster areas, to allocate that excess. That is indeed part of this because there are areas in Houston, Harris County, Galveston, Port Arthur, and Beaumont that will be in the main bill. There are counties such as Orange, Tyler, Polk, and others in the disaster-declared areas that could make the added excess, and so it would be allocated throughout the area according to the discretion of the Governor.

Mr. BAUCUS. The Senator is correct. That is my understanding, and that is what we intend to provide.

Mrs. HUTCHISON. The tax-exempt bonding authority, as well, and the low-income housing tax credits will bring that housing back on line, which is so important.

Mr. BAUCUS. The Senator is correct. Allocations for both, that is correct.

Mrs. HUTCHISON. Senator CORNYN had mentioned earlier that he might want to address the additional potential, since we all know this happened just a week ago, and we don't have final actual numbers. I ask him if he wants to speak on something that he had been very active in doing.

Mr. CORNYN. I reiterate my thanks to the Senator from Montana, the chairman of the Finance Committee. He described what I had understood, and we are reading the fine print to make sure that is how it is written. I anticipate that we will be able to be satisfied with that. As Senator HUTCHISON knows because she and I traveled the affected area, the two areas most affected were Galveston and Orange County. The fact that specific counties were listed does not limit relief to areas that may have been, as a matter of fact, disproportionately impacted, such as Orange. So I am glad to hear that confirmed for the record because it is very important.

As we have all said, it is still very early and there is a lot of work to be done in just assessing the damage. As a matter of fact, before the storm, there was a projection that the surge of water that would be pushed up by the storm could reach a level of 25 feet—a wall of water being pushed up the Houston ship channel. It was projected that 125,000 homes would be destroyed.

According to the computer models, there was a projection that as much as $81 billion in damage would be done. At that time, we were principally concerned with making sure that lives were saved and, of course, in the immediate aftermath with the search and rescue operation. But that assessment, of course, fortunately, is going to be a lot lower than the computer models projected because the surge was not quite as bad as predicted. The storm hit in a way that didn't push that 25-foot wall of water up the Houston ship channel.

As I said, we are grateful for all of the cooperation. I hope we will be able to come back when we have firmer numbers and a more detailed assessment, and we will experience a similar sort of cooperative spirit in trying to make sure the people of Texas are treated on the same basis that other victims of natural disasters in other parts of the country have been treated.

Mrs. HUTCHISON. Mr. President, I want to just say to Senator CORNYN and to Senator BAUCUS, as we said earlier, there are actually 29 counties that will be in this affected area. What I appreciate so much is that Senator BAUCUS realized that it would be very difficult for us to pass a disaster package and leave out Texas and Louisiana when the devastation is so bad. It is the beginning, and I am sure there will be more. But the fact that Senators BAUCUS and GRASSLEY have understood the enormity of our situation, it gives us great comfort. I talked to the mayor of Houston, also, about this issue. We have been talking to the other mayors, and they so appreciate the Senator's accommodation. We are all going to be able to continue to work together, just as we have in so many of these disasters that keep on having issues, and we want to do it in the right way because that is the American way.

I thank the Senator from Montana. I also thank the Senator from Iowa, Mr. GRASSLEY. We will continue to work with them.

Mr. BAUCUS. Mr. President, I might say to the Senator from Texas that I had a nice conversation with the mayor this afternoon, too. He was helpful in explaining what needed to be done. He appreciated the efforts both Senators from Texas have undertaken. I think he would like more, but he understands where we are.

Mrs. HUTCHISON. I think he understands exactly where we are now. He told me he had a good conversation with the Senator from Montana. We are all working on this together and taking 1 day at a time. We appreciate it.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I will offer something at some point. There is not a Democrat here. I am not trying to pull a fast one on anybody. I understand there is an objection to the bipartisan agreement called the Legal Immigration Extension Act of 2008 by one, perhaps, Senator. I want to share some thoughts about that and how we got where we are today.

There are four pieces of legislation that are expiring or are about to expire. After a good bit of work in the Senate Judiciary Committee, we reached an accord that we would not offer any changes in immigration law before we try to recess this year. A lot of us have some real firm views about some things that need to be done, but everybody has basically agreed not to push that. But it is important that a number of things get passed. The most important thing that needs to be passed—and it would be unthinkable were it not to pass—would be the extension of the E-verify program.

It is a voluntary Web-based system operated by the Department of Homeland Security, in partnership with the Social Security Administration. It allows participating employers to electronically verify the employment eligibility of people they would hire, to see if they are presenting a legitimate Social Security number.

More than 84,000 employers voluntarily participate in E-verify and we would get—get this—a thousand new enrollments by employers each week. It is growing in popularity. Because it was a limited program, it is set to expire in November of this year. So the agreed-upon legislation would be to extend the program for 5 years. I note that this program, under the Kennedy-McCain bill, and the subsequent comprehensive bill that was offered on the

floor, which was voted down, would have made E-verify mandatory on all employers. This does not do that. This just keeps it as it is.

Presumably, we are going to have to have a real serious talk about what to do next year. Also in the package I just mentioned would be an extension of the ED–5 regional center program. This is a program that says if someone comes to America—and it has been in effect since 1990—and they are willing to invest $1 million in hiring at least 10 Americans, they would be able to get a visa. That program is set to expire, and we have agreed that it would continue for 5 years—not be permanent, but it would be extended for 5 years. It is an additional group of people on top of the 1 million or so we allow in the country every year. It is an additional group on top of that.

Then there is Senator CONRAD's 30 J–1 visa program. Senator CONRAD, in 1994, passed a provision that would allow foreign medical graduates to waive the mandatory return to their foreign residence, and if they were going to practice in a State for 3 years before they return to their home country, they could stay here. Many States have found that to be an advantage.

Again, that is on top of the others. I am a little bit concerned that every time we do one of these programs it is just on top. We are not choosing and prioritizing the people who would best flourish in America, but we are just adding on top. But I have agreed to go along with that and extend that program for 5 years.

There is also the nonminister religious worker visa program. It was passed in 1990, and it allows up to 5,000 workers on top of the people who are already able to come here and be a part of America, and people believe that should be extended. I am prepared to agree to that as part of the package. So that would be what we would do there.

Those were the pieces of legislation that Senator LEAHY and, I think, the entire Judiciary Committee agreed that we should move forward on.

Now, let me mention why the E-verify program is critical.

I have to say to my colleagues that I cannot agree and this Congress and this Senate should not agree to an additional expansion of immigrants into this country as a price to continue the current law. If we are going to do that, then we need to have a full debate about immigration and a full debate about the numbers that should be admitted, and properly so, into our country, and what standards should be utilized. That is the situation we are facing.

E-verify, as included in this bipartisan package, would not be changed in any way. It will remain the program it is today, but it expires on November 30 of this year. It was originally established in 1996, and it must not be allowed to expire. If this Congress allows E-verify to expire, then we will have made a statement to this Nation that the one system that is working today and could be expanded in the future to create a lawful system of immigration is being abandoned. It would rightly cause every American who has been hearing Members of the Senate and the House promising to do something about restoring the rule of law to immigration—they would know we were not serious at all. They would know this is one more flimflam that would be carried out.

I feel very strongly about this issue. The total number of users in corporations today are 84,000, representing 438,985 hiring sites. It is being used quite a bit today in a voluntary fashion.

So far in 2008, there have been over 5.8 million queries run through the system compared to a total of 3.2 million in fiscal year 2007. If you do not want the law enforced, that makes you nervous. Look, it has increased maybe 50 percent in 1 year. More and more people are using it. It is having some sort of impact in the country. If you want the lawlessness to continue, you don't want E-verify to be extended. The growth now continues at 1,000 new users and participants each week.

More and more people are finding it to be a good system. It is voluntary. Companies are finding it works, and it is not burdensome. It helps deter the use of fraudulent documents. Businesses have a difficult time examining documents. They are not document examiners. They are concerned if they deny somebody without a good basis they may sue them. If they don't deny somebody, the Government might fuss at them. This is a way they can do a quick check to determine whether someone is in the country legally.

Both in the 2006 and 2007 comprehensive immigration legislation, this proposal, as I said, would have been made mandatory. However, the legislation we are talking about today certainly is not that; it is only a temporary extension of the existing program. I want to make that clear.

No system is perfect, but we have invested millions of dollars to improve this system. Many of the kinks have been worked out. The system, I think, could and should be enhanced substantially, and I would like to see it made better, but by all means it should not be killed. We must not let it expire. The employers are relying on it. We must not pull the rug out from under them and undermine the rule of law.

To give a brief background on the E-verify system, the Immigration Reform Act of 1986 made it unlawful for employers to knowingly hire or employ aliens who are not eligible to work in the United States. It required employers to examine the identity and work eligibility documents of all new employees.

Employers are required to participate in a paper-based employment eligibility verification system, commonly referred to as the I–9 system, in which they examine documents presented by the newly hired workers to verify identity and work eligibility and to complete and retain I–9 forms.

Under the current law, if the documents provided by an employee reasonably appear on their face to be genuine, the employer has met his document review obligation. However, the easy availability of counterfeit documents and fake identification has made this a mockery of law. It is not working.

In 1996, Congress authorized a basic pilot program to help employers verify the eligibility of their workers. Participants would verify a new hire's employment authorization through the Social Security Administration and, if necessary, through the Department of Homeland Security databases.

The basic pilot of E-verify was authorized in five States until an expansion of the program was agreed to by Congress in 2003. Now all States and all employers can take advantage of this voluntary and free program.

Let me give some facts on the statistics. There has been a lot of concern that the program does not work fairly. I dispute that most strongly. Mr. President, 94.5 percent of individuals whose numbers are checked are authorized to go to work. There is not a problem. It is done routinely within 3 seconds. One-half of 1 percent are final nonconfirmations. That is, they are identified as not being eligible to work right off the bat. So an employer should not hire them and could commit an offense if they do. Five percent come out of the computer check as tentative nonconfirmations. If a person has that happen to them, they have an opportunity to step forward and show that the computer is wrong and find out what the problem is and fix it. However, the facts are that the vast majority of people who are shown to be tentative nonconfirmations do not contest the matter. What that indicates is they know they are not legal, they know they are not entitled to go to work, and they don't contest it, which proves, I think, that the system is working.

President Bush's Executive order requires contractors of the Federal Government to use the system. It is only right that the Government do business with companies that are not violating our immigration laws. We don't need to let somebody bid on a contract and submit a low bid because they are able to use low-cost illegal labor and defeat the bid of a legitimate American contractor who is using legitimate labor, paying insurance, paying retirement benefits, paying decent wages.

I have had a personal example in the last few weeks in which a businessman told me his company has been losing bids to an out-of-State corporation. This corporation just appeared. He is convinced, and there is evidence apparently, that the corporation is using large numbers of illegal workers, and he cannot win any bids. He said: My people have been working for me for 10 and 15 years. I pay them good wages and good benefits. I want to keep them.

I cannot compete. What are you going to do about it? This is one way.

States are on board with the E-verify, and they are beginning to take a look at it. In fact, many of them are encouraging their businesses to use it. Arizona, Arkansas, Colorado, Idaho, Minnesota, Mississippi, Missouri, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, and some others, have passed legislation requiring either explicitly or implicitly that certain employers within those States participate with E-verify.

On Wednesday of this week, the Ninth Circuit, the most liberal circuit in the country and the most favorable circuit to——

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator has used 10 minutes.

Mr. SESSIONS. Mr. President, I ask for 1 additional minute.

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

Mr. SESSIONS. The Ninth Circuit upheld an employer law in Arizona that revokes a business license of employers caught knowingly hiring illegal immigrants. Businesses in that State do rely on the E-verify program. Killing this program would undermine their law. This is the right thing for us to do.

It is not possible for us at this late date, in light of the agreement we have reached, to have Members of the Senate ask for an expansion, a dramatic expansion of a half a million people to come into our country as a price that must be paid to extend E-verify. That is my concern.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 875, S. 3257; 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. Is there objection?

Mr. MENENDEZ. Mr. President, reserving the right to object, I appreciate what my colleague, Senator SESSIONS, is trying to accomplish. But I think there is another view. That view in large part is expressed by the House of Representatives that sent over in a vote of 407 to 2 a much different and obviously very bipartisan approach toward E-verify. It is one that does what Senator SESSIONS wants to do, which is extend the program for 5 years. But it also had some other critical protections.

No. 1, the protection of the Social Security Administration programs, and in that vote of 407 to 2, realizing there are only 435 Members of the House of Representatives—that is how overwhelming it was—it, in fact, also made sure that funds would be provided for the Commissioner of Social Security by the Secretary of Homeland Security to administer this program. When it is costless—it is not costless to the taxpayers, and in reality it is not costless to the Social Security funds.

The bottom line is these provisions that were passed by the House to extend the life of E-verify 4 or 5 years also have a protection of the Social Security programs. It is one that I believe makes a lot of sense.

It also had to ensure, if you are an American and you get—I know Senator SESSIONS downplayed the percentage of people who get kicked out—but in fact if you are totally eligible to work but somehow through computer error are denied that ability in the first instance, now the burden shifts. The burden goes to an American citizen to prove, in fact, that they have a right to work in the first place.

We might say it is only 5 percent, but 5 percent of millions of people in this country is a lot of people. So the House of Representatives passed in their proposals, in addition to extending E-verify for 5 years and making sure that Social Security funds were held whole, they also passed provisions having a GAO study of this program and ensuring that, in fact, it was improved in a way so that we could understand the magnitude of those individuals who are totally U.S. citizens or legal permanent residents with the full right to work but who are being denied because of computer error.

Those provisions which passed 407 to 2 are ones that I would like to see in an E-verify extension.

Mr. SESSIONS. Mr. President, reclaiming the floor under the regular order.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. I will be glad to share with the Senator my thoughts about it. The House did pass it 407 to 2, I believe. We are not expressing any pride of authorship. Will the Senator accept the bill as passed by the House? I think we can perhaps do that and we can reach an agreement. Just accept the bill passed by the House.

Mr. MENENDEZ. I urge the Senator to consider, and I will make a unanimous consent request when the Senator is finished, that S. 3414, which includes all of the House provisions, as well as H.R. 5569 which would be the EV5 extension, as well as all of the other items the Senator spoke about—the Conrad State 30, the religious workers would be included.

The PRESIDING OFFICER. The Senator's time has expired. Does he wish additional time?

Mr. SESSIONS. Mr. President, I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. Reserving the right to object, and I will not object, but I do, in that reservation, want to be recognized next after the Senator finishes his 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. I would ask the Senator to modify his request so that I be recognized immediately after his 5 minutes.

Mr. SESSIONS. I would be pleased to modify and ask unanimous consent that the Senator from New Jersey be recognized after my 5 minutes.

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

Mr. SESSIONS. Mr. President, I thank Senator MENENDEZ for his courtesy, and I think we have an opportunity to reach an agreement. On the House version there are some things he says he likes better than the bill we agreed on in our committee, which I think passed our committee unanimously here in the Senate, but I would be prepared to go forward with that.

I urge my colleague from New Jersey to recognize the proposal he is making would add about 550,000 more people. It would allow that many more to enter the country on a legal basis. We have a million now who enter our country each year, and this would be a huge increase—I think a one-time increase—but it is a huge increase and it is not acceptable. We had sort of reached a stalemate last year when the American people rejected the comprehensive bill. They rang our phones off the hooks. The switchboard of the Senate shut down. There was a general recognition that we needed to do an enforcement system before we started granting amnesty and expanding immigration. That was, I think, a pretty national sentiment. Even Senator MCCAIN, who proposed the legislation, stated that the American people, he understands now, expect us to create a lawful system before we start expanding the system we have and giving amnesty to those who violated the law.

This is a big change from what the Senator has been proposing. I submit that the choice is simple. We will either go forward with the agreement that we reached in committee, without the changes Senator MENENDEZ offers, or we will have to have a real debate. And that would be all right with me, but I don't think it is what our leadership desires at this point in time.

So I say that I would be delighted to continue to discuss this with Senator MENENDEZ, but I feel pretty firmly, I feel very firmly that although I could accept, I am confident, the House version that he has made some comments about, I cannot accept a major alteration of existing immigration policy because that is not the right way for us to go at this point.

It is something I guess we are going to have to talk about next year. I see no alternative to ignoring it any longer than next year. It is time for this Senate to get busy and to create a system that ends the mockery that exists for our legal system today and creates a lawful system that will serve our national interest.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I appreciate the comments of my distinguished colleague from Alabama, but I have to correct some things.

First, we do, under the unanimous consent that I will ask for briefly, under S. 3414, extend E-Verify. We extend it for 5 years. We do it, as the House did, protecting Social Security and protecting U.S. citizens who get rejected by the system and yet have every right to work. So that is one thing.

The second thing is, I heard my colleague talk about extending current law. We heard a lot of business-related elements—investors who have a lot of money and who are going to get visas, businesses are going to have these checks and all these things are going to happen. Well, current law allows a U.S. citizen to claim their immediate family. And as far as family values, it seems to me that the core of what our immigration policy has been and the core of what Members of this body have talked about time and time again in the context of family values is that family reunification is the core of those family values. You can't have family values if you don't have a family in the first place. And the family in the first place is the core essence of that family. That is, in essence, what the current law provides.

So what is simply done, as we look to solve businesses' challenges and problems, and bring in investors who have a lot of money, who now get a visa because they have a lot of money, is to say to a current U.S. citizen that we are going to recapture and use, for the purposes of absolutely legal immigration, under the current law, visas that exist but don't get used because of the way our system is working. This would allow a U.S. citizen to claim their relative using those visas, or a portion of them.

By the way, I would urge my distinguished colleague to look at the numbers. We are not talking anywhere near the number he throws around of half a million. It is more like 300,000. And we have even talked about working on that number and narrowing the universe. So this is about using the existing legal system to have U.S. citizens be able to claim their relatives under the existing system and make sure the visas that exist under the existing system are used in a way that meets the goal of legal immigration.

Now, I don't know why we are so hell bound on giving businesses everything they need and then saying to U.S. citizens they do not have the opportunity to be able to meet some of their challenges. In my mind, that is promoting a lawful system. I know it is very easy to slap up the word ''amnesty'' every time somebody wants to talk about immigration. You can become famous by claiming everything is amnesty, but it doesn't necessarily make it true.

The bottom line is what we are talking about is making sure that U.S. citizens who are presently torn apart from their families, and who under existing law have the right to claim that immediate family, have the wherewithal to be reunified using visas that don't get used but which should be used for this family reunification under existing law. So it seems to me we can do E-Verify, and do it the way the House did it, so Social Security is not hurt in terms of funds; and we can make sure that we improve upon a system that right now rejects a percentage of American citizens who have legal eligibility to work and yet now have the burden of proof shifted upon them.

It changes the whole legal precedent where in our country you are considered innocent until proven guilty. Under E-Verify you are guilty until proven innocent. I would be outraged as a citizen if I had to be challenged about my ability to work when I have every right to work but some system is barring me from that right to work. And that situation exists under E-Verify. Now, it doesn't mean we should do away with E-verify, but we need to make it better, and the House provisions do that.

We also say: OK, you want to give those people who have a lot of money to come here and make investments a visa? OK, we will do that. You want the religious workers, of course, who are not necessarily clergy members, but religious workers? OK, we will do that. You want to bring in doctors? OK, we will do that. But at the same time let's have a smaller universe of those whose families have been waiting and who followed the law.

This is the interesting part. We can't even seem to incentivize people who follow the law. These are people who didn't come crossing a border, whether it is the southern or northern border. These are people waiting. They have waited and they are still waiting. Yet their U.S. citizen husband or wife or mother and father can't get reunified in what is a core family. We seem to have lost sense of that core value.

So in that respect, I think we are being very reasonable here. And this is not about a broad comprehensive immigration reform. This is not about amnesty. It is not about all those things people like to throw up on the wall and suggest ultimately that is the case and paint it as one big swath. I don't know when U.S. citizens became second-class citizens in terms of being able to be reunified with their families.

UNANIMOUS-CONSENT REQUEST—S. 3414

Mr. MENENDEZ. In pursuit of meeting these goals, redoing E-verify, giving it a 5-year life, doing it the right way, doing those other things, as well as trying to help this small universe of American citizens, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 3414, the Visa Efficiency and E-Verify Extension Act of 2008, the Senate proceed to its immediate consideration and to the consideration of H.R. 5569, the E-V–5 extension, which was received from the House, en bloc; further, that the bills be read a third time and passed, en bloc; and the motions to reconsider be laid upon the table, en bloc, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Reserving the right to object, Mr. President, I note that we are talking about some sort of capture of unused visas in the past, which we calculate at about 550,000. Maybe it is 300,000. This is a major alteration of current law that has a certain number of family members, a large number, actually, who can come in every year. This would be a major expansion of that.

Those are the kinds of things I think the Senate has gotten to the point we know we don't need to have a full debate on before we recess this year. Therefore, I consider that addition to the House bill that Senator MENENDEZ wishes to see become law as a nonstarter and would have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. MENENDEZ. Mr. President, I regret my colleague's objection. At the end of the day, I understand how passionately he feels. I hope he understands how passionately I feel. The reality is I find it very difficult when my constituents, U.S. citizens, paying their taxes, being good citizens, come to me and say: We cannot get reunified with our spouse. We cannot get reunified with our mother and father. We cannot get reunified with our son and daughter. That is the universe we are talking about.

If we do not stand for the very core value of family reunification, while we talk about those who have money to invest and who get visas because they have money, well, we have seen what has happened with our system around here when everything is about money, and it is a huge failure. The proposition is that if you have money, yes, you can get a visa. But God forbid we give a U.S. citizen who is claiming their family a visa as well.

I feel very passionately about this. I understand Senator SESSIONS feels very passionately about the way he views it, and I hope we can reconcile our passions and be able to have a little less heat, a little more light, and create an opportunity to be able to move forward in the days ahead. We have time until the end of November, and I certainly look forward to working constructively to make that happen.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. AKAKA. 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 Senator from Hawaii is recognized.

Mr. AKAKA. I thank the Chair.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 3527 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT—H.R. 6049

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, September 23, following a period of morning business, the Senate proceed to the consideration of Calendar No. 767, H.R. 6049, the energy extenders, that the bill be considered under the following limitations: there be 60 minutes of general debate on the bill, equally divided and controlled between the leaders or their designees, that the only first-degree amendments in order be the following, with no other amendments in order, and that they be subject to an affirmative 60-vote threshold, and if the amendment achieves that threshold, then it be agreed to and the motion to reconsider be laid on table; if the amendment does not achieve that threshold, then it be withdrawn; that each amendment be subject to a debate limitation of 60 minutes, equally divided and controlled in the usual form: Baucus-Grassley substitute amendment regarding energy tax extenders with offset; Reid or designee perfecting amendment regarding AMT with offset; Baucus-Grassley perfecting amendment regarding tax extenders amendment without full offset; that it be in order for Senator CONRAD to raise a budget point of order against the amendment, and that once debate time has been used or yielded back, a motion to waive the applicable point of order be considered to have been made; further, that if the motion to waive is successful, then the amendment be agreed to and a motion to reconsider be laid on the table; if the motion to waive is not successful, the amendment be withdrawn; and that Senator CONRAD control up to 10 minutes of time during debate on this amendment; provided further that regardless of the outcome of the vote with respect to the Baucus-Grassley substitute amendment, the Senate would vote in relation to the remaining two amendments covered in this agreement, that the votes in relation to the above-listed amendments occur in the order listed after the use or yielding back of time; upon disposition of all amendments, the bill be read a third time and the Senate then proceed to vote on passage of the bill as amended, if amended, with no intervening action or debate.

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

I ask unanimous consent that the cloture motions on the motions to proceed to Calendar No. 895 and Calendar No. 767 be vitiated.

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

Mr. REID. Mr. President, we are keyed up now to start the energy debate on Tuesday. It has been a long, hard 24 hours. Everyone has been working hard. You have to be patient in this business. I especially extend my appreciation to Senators BAUCUS and GRASSLEY, and it has been difficult.

We have had a terrible natural disaster that has hit. Louisiana—not to denigrate Katrina—they still got hurt, but Texas was devastated. That is the reason this was held up. I understand Senator HUTCHISON and Senator CORNYN being concerned. I would say to them, if this does not take care of all of the problems, we will have to take another look at it because pictures are worth 1,000 words. We have had a lot of pictures about what took place with this terrible wind storm.

So, again, I wish we could have moved this more quickly. But certain things do not happen as you would want. Next week we have to complete this legislation. We just arrived at a way to move forward on it. We have to do what remains with energy after that. We have to do a CR and maybe a stimulus.

We still have the Coburn package floating around. So we have a lot to do. We will do our best to try to complete our work by a week from tomorrow. I also appreciate the efforts of my colleague, Senator MCCONNELL. It has been difficult for him because the problems have been on his side. But he has been a gentleman about this and has been probably more patient than I have.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, my good friend, the majority leader, should feel good about this. We are on the cusp of a very significant piece of legislation worked out on a bipartisan basis. I, too, feel grateful to Chairman BAUCUS and Ranking Member GRASSLEY for their endless number of hours in crafting this truly bipartisan compromise.

So I think it is something the Senate can be proud of achieving. We are set up to reach that achievement on Tuesday.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I am very grateful to Senators for working to put this together for several reasons: One, this is going to help to create jobs in America. It is going to very much help American families. Third, it is going to help us move more quickly toward energy independence, something we all need.

On a procedural basis, I very much appreciate that this was worked out on a bipartisan basis. I worked with my good friend from Iowa, Senator GRASSLEY, also with the staffs of the majority leader and minority leader, and other key Senators who worked together to put this together.

I am very grateful, frankly, that we see a glide path now. We are going to get this legislation enacted, hopefully, on Tuesday. Again, my thanks to everyone involved.

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

The PRESIDING OFFICER (Mr. SANDERS.) The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VOINOVICH. 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. VOINOVICH. Mr. President, I ask unanimous consent to speak for up to 17 minutes as in morning business.

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

REGARDING ENERGY AND NATIONAL SECURITY

Mr. VOINOVICH. Mr. President, I rise today to speak about one of the top issues facing our Nation: the high cost of energy and how it relates to our national security.

There has been much controversy on Capitol Hill regarding the reason why prices have climbed. My colleagues have introduced various pieces of legislation that attempt to address our energy security.

I am hearing loud and clear from thousands of Ohioans how this crisis is directly affecting them and their loved ones. Ohioans are demanding that the Senate have a lengthy and open debate on the issue of high energy costs. They are expecting that we work together in a bipartisan fashion to craft legislation that will address our Nation's long-term energy requirements and set us down a path towards energy independence.

Their urgency is underscored by the fact that this is no longer just a question about the price of oil but also about national security.

Americans are hurting from our addiction to oil, but I am not sure they fully realize the extent our national security; and indeed our very way of life, is threatened by our reliance on foreign oil.

Every year we send hundreds of billions of dollars overseas for oil to pad the coffers of many nations that do not have our best interests at heart, and to some like Venezuela, whose leader has threatened to cut off oil.

In fact, in 2007, we spent more than $327 billion to import oil, and 60 percent of that, or nearly $200 billion, went to the oil-exporting OPEC nations. In 2008, the amount we will spend to import oil is expected to double to more than $600 billion, $360 billion of which will come from OPEC. Let's take a moment to put those import figures into context. When compared to our Fiscal Year 2008 budget for our Nation's defense, which was more than $693 billion, the $600 billion we will spend to import oil in 2008 is nearly equal to our entire defense budget.

There is no question that our dependence on foreign oil has serious national security implications. In addition to funding our enemies—as I just explained—we cannot ignore the fact that much of our oil comes from and travels through the most volatile regions of the world.

A couple of years ago I attended a series of war games hosted by the National Defense University. I saw firsthand how our country's economy could be brought to its knees if somebody wanted to cut off our oil.

In 2006, Hillard Huntington, executive director of Stanford University's Energy Modeling Forum testified before the Senate Foreign Relations Committee, and stated that based on his modeling, ''the odds of a foreign oil disruption happening over the next 10 years are slightly higher [than] 80 percent.'' He went on to testify that if global production were reduced by merely 2.1 percent due to some event, it would have a more serious effect on oil prices and the economy than hurricanes Katrina and Rita.

And our dependence on foreign oil is even more troubling when you consider our Nation's financial situation.

The national debt stands at $9.3 trillion, almost double the $5.4 trillion debt that existed when I came to the Senate in 1999. By the end of 2009, the national debt is expected to have grown to $10.5 trillion.

In July, the Office of Management and Budget projected a $389 billion budget deficit for 2008. And this week even worse numbers came from the Congressional Budget Office. CBO said the Federal Government will finish the fiscal year with a near-record deficit of $407 billion.

These numbers, however, do not include borrowing from the Social Security trust fund and other trust funds to the tune of $184 billion. So the real operating deficit is actually projected at $591 billion—almost three times the $219 billion deficit projected at the start of 2008.

We cannot overlook our ballooning national debt. Today 51 percent of the privately owned national debt is held by foreign creditors—mostly foreign central banks. That is up from just 6 years ago. Foreign creditors provided more than 70 percent of the funds that the U.S. has borrowed since 2001, according to the Department of Treasury. And who are these creditors?

According to the Treasury Department, the three largest foreign holders of U.S. debt are China, Japan, and OPEC nations. With the debt skyrocketing to 10.5 trillion in fiscal year 2009 and the plight of our financial markets we can expect an even greater involvement by these countries in purchasing our debt.

This is insane and it has to stop. We can not afford to allow the countries that control our oil and our debt to control our future. It is time that we took our future into our own hands.

Let's take a moment to think of our Nation like a business. Our feedstock is oil, and our competitors control the supply and price of our oil. We have debt, but our competitors also control our debt. What's to keep our competitors from raising prices, calling in our debt and running us out of business?

I imagine that many have yet to hear of this, but it has been rumored that countries like China, with large financial holdings in Fannie Mae and Freddie Mac, pressured Secretary Paulson to bail out the corporations, by threatening to reduce their security holdings.

This is a very real example of how not only our foreign policies, but even domestic policies can be stymied due to reckless fiscal policy. I hope it frightens you as much as it frightens me. It certainly has dramatic effects in the present, but portend what it does for our children and grandchildren futures which we continue to mortgage with the irresponsible use of their credit card.

But also keep in mind, that as we sit here and twiddle our thumbs over simply expanding domestic drilling within our own borders, Russia and China are actively and aggressively laying claim to energy resources around the globe.

Russia, the world's second biggest oil exporter, is trying to lay claim to large section of the Arctic seafloor that is believed to contain billion of barrels of fuel equivalent. The country has also made moves to control a larger portion of the world's natural gas reserves. Russia, which has significant reserves of natural gas, is considering the creation of a natural gas cartel similar to OPEC. Venezuela and Iran have expressed interest.

Russia has proven it has no qualms with using energy as a weapon. In 1990, Russia tried to suppress independence movements in the Baltics by cutting energy supplies. In all, Russia has used energy as a tool to further their foreign policy goals on no less than six countries over the last 15 years. And energy is believed to be one of the driving reasons for Russia's military action in the independent nation of Georgia, through which passes a critical oil pipeline.

China as well is moving ahead in securing its energy future. In Africa, China is handing out loans and funding expansive infrastructure projects in an effort to lay claim to lucrative oil reserves. With the help of Chinese investment, Angola recently passed Nigeria to become the largest petroleum producer on the continent.

Can you imagine these countries scratching their heads in disbelief when they see the U.S. with the largest energy reserves in the world debating to drill or not drill?

My friends, we have allowed the environmental lobby to run wild. As a result, we have had a tail wagging the dog environmental policy which has ignored our energy, economy and national security interest.

And why did Congress let them get away with it? Because oil was cheap and some of my colleagues on the other side of the aisle were afraid of the 30 second commercials that would be run against them if they didn't toe the environmental line.

Now the chickens have come home to roost. Ask any Ohioan about the high price of gasoline. They will give you an ear full. Many of them have told me about how both the price of gasoline and the price of natural gas are affecting them where it hurts, right in the pocketbook and in their quality of life. These are the middle class Americans, the elderly and the poor that my friends on the other side of the isle keep talking about.

Addressing this crisis requires nothing less than a Second Declaration of Independence—to move us away from foreign sources of energy in the near term and away from oil itself in the long term. To do this I believe we must find more, use less, and conserve what we have. As T. Boone Pickens said, ''we need to do it all.''

In order to find more and stabilize our Nation's energy supply we must enact policies to increase responsible development of our abundant American resources.

The fact of the matter is that when you take into account our untapped oil shale reserves, we have more oil resources than any other part of the world. The Department of Energy estimates that America's total oil shale resources could exceed 2 trillion barrels of oil equivalent, and there are currently 800 billion barrels of proven reserves. This is three times larger than the total proven oil reserves of Saudi Arabia.

Further, the majority of conventional resources are locked up due to shortsighted congressional moratoria. Eighty-five percent of our offshore acreage and 65 percent of our onshore acreage is off limits.

I was very embarrassed when our President went over to Saudi Arabia, just a few months ago, with hat in hand to beg for them to increase oil production. And last month I spoke with oilman T. Boone Pickens, who was recently in Saudi Arabia. He said they asked him, ''Why is your country asking us for oil, why aren't you exploring your own?''

The Saudis couldn't have been more right. Rather than begging foreign countries for their oil, we need to be utilizing our own. That means opening up areas like the Outer Continental Shelf and ANWR for oil exploration. And that means capitalizing on our vast reserves of coal, oil shale, and tar sands.

While we must increase our production of fossil fuels to relieve costs and reestablish our independence in the short term, in the long term we must reduce our demand for oil.

And with that goal in mind, it is essential that we explore alternative means to meet our Nation's energy needs.

It is long past time for our government to provide the spark to rekindle

our Nation's creativity and innovation. Following Russia's launch of Sputnik, President Kennedy challenged our country in 10 years to be the first in the world to land a man on the Moon. And it was Neil Armstrong, an Ohioan, who did it. If we can put a man on the Moon, there is no reason why we cannot be the first country in the world to not have to rely predominantly on oil for our transportation needs.

It is time we undertook a similar Apollo-like project to establish clean, reliable and domestically abundant energy alternatives and in turn usher in a new era of American freedom and independence.

And through this new Apollo program, we must encourage further advances in biofuels, electric-hybrid plug-in vehicles and fuel cells.

One of the best shots we have in significantly reducing our reliance on foreign oil is plug-in hybrid vehicles. If half our fleet of 240 million vehicles were converted to electric-hybrids, we could reduce our oil imports by 4 to 5 million BPD. Just doing this could cut our reliance on foreign oil by 40 percent.

Americans today demand action. And they demand we come together in a bipartisan fashion to solve this crisis. I commend my colleagues in the ''Group of 10'' on their efforts to find sensible solutions to this crisis. While their bill is not perfect, it would be my hope that we can continue to work together to move our country towards energy independence.

Regardless of what one thinks of the specifics of the bipartisan proposal, this is the way we should be trying to get things done around here—Senators of good will from both parties coming together, with everyone willing to give up a little of what they want in order to move the country forward. My greatest frustration in the Senate is the partisanship and game playing. We must end the gridlock and put the people's business first.

I honestly believe that the best message we can send to OPEC, those investing in the oil market, and indeed the entire world, is that we are mad as heck and won't take it anymore. We must demonstrate that we are going to find more by going after every drop of oil that we can responsibly drill and that we are going to use less by undertaking a new Apollo program, and continue to conserve and become more energy efficient.

I envision an America where in 10 years we have enough oil to take care of our needs. I imagine an America that is the least reliant nation in the world on oil. An America where our economy is not threatened, an America that has created thousands of jobs by finding more and developing technologies that use less. It will be an America that has gone from the bottom of the barrel to the top. Who's national security is without threat because we have removed the potential of energy being used as a ''weapon'' against us by those who do not share our values?

We must put aside our differences and come together to reaffirm our Nation's independence for a second time. We can usher in a new era of prosperity and a guarantee that in the new global economy we will maintain our position as the greatest military and economic power in the world.

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. CASEY. 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. CASEY. Mr. President, I know it is getting late in the evening, and we are at the end of a long day for a lot of people in our country. I want to talk about not just the economic crisis our families and our country are living through right now, but also what we have seen over the last couple of years, and certainly in the last 7 to almost 8 years now.

I think it is instructive to look at where we were 7 years ago and where we are today. By virtually every indicator, it is a much tougher world for a lot of families, especially working families and poor families. On the one hand, you have an increase in the number of Americans living in poverty; by one estimate, more than 5.5 million more people. So now that number goes above 38 million Americans.

Health care, there are so many different ways to look at it. I know in my home State of Pennsylvania, since 2000, family premiums—the cost of health care for a family—are up by almost 50 percent, between 45 and 50 percent. If you look at it in another way, in terms of overall health care, we have seen these national numbers of 47 million Americans uninsured right now in the country. Some say it dropped to 45 million. Whatever that number is—whether it is 45 million or 47 million—it is way too high.

I think the current administration has done nothing to address that—no leadership by the President, no prioritization of that issue as a compelling national issue. There are 9 million American children with no health insurance, and the President vetoed the expansion of the Children's Health Insurance Program, which, as the Presiding Officer knows, got almost 70 votes in this Chamber more than once.

There are so many different ways to look at these numbers. In the last year, over 605,000 Americans lost their jobs. The mortgage crisis, the foreclosure crisis is in the lives of so many families. I live in a State which, if you compare it to other States, relatively, has not had as much of a problem as some States such as California or Nevada or others.

But in the month of August of this year—August of 2008—versus August of 2007, if you compare it month to month for those 2 years—August 2007 to August 2008—the foreclosure rate in Pennsylvania is up some 60 percent, much higher than the national rate. So even in a State which has not felt the same effects, relatively, as these other States, now the foreclosure crisis is closing in on places and on families in Pennsylvania. In so many indicators, we can see it.

We can see it obviously on Wall Street in the headlines. I do not need to repeat what we have seen in the newspaper. But I think when we look at our own communities, we can see the same is true. I am not going to read all of this document. I am going to have it printed in the RECORD. I am going to read the headline and ask that the document be made a part of the RECORD: ''Recent major Pennsylvania plant closings and/or layoffs.'' I ask unanimous consent to have this document printed in the RECORD.

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

RECENT MAJOR PENNSYLVANIA PLANT CLOSINGS AND/OR LAYOFFS

NORTHEAST

Luzerne County, Wilkes-Barre: Geisinger Health System in South Wilkes-Barre is laying off 451 employees, primarily those who work in inpatient services, by September 2008.

Luzerne County, Mountaintop: Fairchild Semiconductor International is laying off 331 employees, this was announced 7/24/2008.

LEHIGH VALLEY

Lehigh County, Allentown: Mack Trucks Inc. is moving 800+ jobs from Allentown to North Carolina when it consolidates its headquarters by the end of 2009. This will be partially offset when Mack moves 200+ jobs from Virginia into its Macungie manufacturing facility by the end of 2008. This was announced on 8/14/2008.

SOUTHEAST

Montgomery County, King of Prussia: Idearc Media Corporation laid off some 120 CWA members at the end of 2007 from its facility in King of Prussia. The workers there produced advertisements for the yellow-pages phone book. Idearc moved this production to India and laid off half of the 240 employed at this facility.

Bucks County, Warrington: MeadWestvaco Consumer Packaging Group LLC is laying off 145 when they close their packaging manufacturing plant in Warrington, which was announced on 5/15/2008.

Northumberland County, Elysburg: Paper Magic Group Inc. is laying off 312 employees when it closes its Elysburg facility. This was announced on 1/4/2008.

Berks County, Reading: Hershey Inc. is laying off 274 when it closes its Reading facility, announced on 3/14/2008.

Montgomery County, Fort Washington: Chase Home Lending is laying off 266 employees, announced on 5/29/2008.

CENTRAL AND SOUTHCENTRAL

York County, York: Harley Davidson is laying off 300 as part of a nationwide layoff of 730. The layoffs were scheduled to begin this month.

Fulton County, McConnellsburg: JLG Industries is laying off 375 employees by September of this year. They produce heavy aerial lifts and work platforms. It was announced in July that they will be laying off 250 employees in McConnellsburg, 100 at Shippensburg, and 25 at Bedford.

Centre County, Bellefonte: Bolton Metal Products is laying off 223 when it closes its Bellefonte facility due to increased foreign competition. This was announced on 2/4/2008. A letter under your signature was sent to the Department of Labor in support of the workers when they were denied TAA benefits. The workers then won the benefits on their appeal.

York County, Red Lion: Yorktowne Inc. is laying off 349 employees when it closes its plant #6 in Red Lion. This was announced on 1/23/2008.

Lancaster County, East Petersburg: Sterling Financial is laying off 325 employees in its East Petersburg facility, which was announced on 4/15/2008.

SOUTHWEST

Allegheny County, Bethel Park: Washington Mutual is laying off 247 when it closes its facility in Bethel Park. This was announced on 4/9/2008.

NORTHWEST

Erie County, Corry: Erie Plastics is laying off 189 employees, announced on 2/15/2008.

Mr. CASEY. This is a brief summary of plant closings that involve hundreds of jobs in particular communities: Luzerne County—the county right next to my home county—451 employees at Geisinger Health System losing their jobs; 331 employees at the Fairchild Semiconductor International plant being laid off. That was announced in July. In Lehigh Valley, at Mack Trucks: more than 800 jobs being lost in our State and moving to another State. In Montgomery County—a very prosperous county in southeastern Pennsylvania—a corporation there laying off 120 employees. In Bucks County, a company there laying off 145 employees. In Berks County, Hershey Incorporated laying off 274 employees. That is just in the southeast.

Then you go to central Pennsylvania. In York County, a plant there—Harley Davidson, in fact—laying off 300 employees; a plant in Fulton County—a very small county in Pennsylvania—laying off 375 employees.

It goes on from there: hundreds and hundreds of people losing their jobs, just in some communities in Pennsylvania, just this year. So that is exhibit A in terms of job loss in Pennsylvania.

But also I think it gets back to this whole question of about what the Congress can do. We look at what has been happening on Wall Street—the loss of wealth, the loss of confidence—but what is happening on Wall Street mirrors what has happened in the lives of a lot of families. When you lose your house—and because of foreclosure, you are forced out of your home—you lose not only your home, the place you live, the place your family lives—a sense of your own, and the reality, I should say, of your own net worth—but as much as all that, you lose your dignity. So many families have lost that dignity. I think as much as we in the Congress, for the next couple of weeks and months, even leading into a new administration, will debate policies that pertain to financial markets—what about credit, what about capital, all these terms, ''liquidity,'' the things we are hearing a lot about as they pertain to Wall Street—and regulation is going to be an important part of what we do—but as we debate all of those issues, I think we have to get back to the fundamentals about why we are living through this nightmare.

Part of it is the failure of this administration to do something in an aggressive way about regulation. Part of it is greed. But what resulted from that greed and from that inability to regulate markets and to oversee mortgages in an appropriate way is the fact that we have foreclosures. So if the Congress wants to respond to this in a positive way, to get something done, we have to do something about foreclosures, to bring that number down, to keep people in their homes and thereby to strengthen neighborhoods and our economy overall. If we keep neighborhoods strong, keep people in their homes, it will affect the whole world's financial markets and certainly our economy.

So what do we do? Well, I think what we can do—there will be a lot of proposals about how to get there—but just broadly—and I will conclude with these thoughts—to get there broadly what we have to do is to say: If in the July legislation—which was not everything that all of us wanted; I know the Presiding Officer and I probably wanted a lot more in that bill than we got, but what we did in that bill was to create an opportunity for 400,000 people to stay in their homes by getting the borrower and the lender in the same room, so to speak, to work out a modification, to work out some arrangement to keep that family in that home. What we have to do is take that 400,000 and expand it exponentially to at least a million and, beyond that, if possible, to do everything possible to keep those families in their homes.

If there is nothing else the Congress does for the next couple of months but focusing on the prevention of foreclosures, we will have contributed significantly to preventing some of the trauma we see on Wall Street and, as we have been hearing over and over again, on the Main Streets of America in the lives of our families.

There are a lot of ways to do that. One of those strategies is making sure that the prevention of predatory lending is a higher priority. But I think focusing on individual mortgages and the relationship between an individual lender and that homeowner is going to be critical to this. So we have to expand what we have already done and do more on keeping people in their homes.

We will talk more about it. But do you know what. All the answers to these questions do not simply reside in what we talk about in the Senate or what happens in the House or here in Washington. A lot of good ideas are coming from our communities.

I point to one example. In Philadelphia—one of the places in Pennsylvania where the foreclosure rate has been far too high, even though other places have escaped it so far—in the city of Philadelphia, the court system, Judge Darnell Jones, and others, the mayor of the city, Michael Nutter, a very effective and capable mayor, came together with activists and people who understand how to keep people in their homes and said: Let's develop a program at the local level, and let's try to implement it.

They developed the Residential Mortgage Foreclosure Diversion Pilot Program. I have spoken about this before. But it is a kind of example we should expand upon and use as an example to keep people in their homes. In a word or two, it is an early intervention program. Instead of letting these mortgages go so far out of control where someone cannot stay in their home, they intervene earlier. The courts are able to facilitate loan workouts and other solutions to keep homeowners and their families in their homes.

It is an effort, as I said before, by the city and the mayor's office, Mayor Nutter, of being able to bring together housing advocates, volunteer attorneys, lenders, and servicers who all share the same goal of keeping people in their homes.

Now, the interests of these groups are divergent, but they have set aside those differences, and they realize that stemming the tide of foreclosure helps everyone. It obviously helps the homeowner and the family and the community. But it also helps lenders and, in a very substantial way, our economy.

So that is one example. We will talk more about it later in detail. But we need to enact policies that make sure those kinds of good examples coming from our communities become part of national policy. If we do that—if we are able to keep more and more, instead of 400,000 people staying in their homes, we make that 1 million, or even higher than that; if we do that, I think we can begin to stabilize the root cause of a lot of our problems.

In addition to that, we have to do more in regulation. We have to do much more in holding government agencies accountable that should have been the cop on the beat, so to speak, when it comes to what happens to lending practices and to mortgage practices.

So there is much to do, but I think the best thing we can do is focus on the root cause of this, which is foreclosures and the prevention of those foreclosures through counseling, through good programs, and through bringing people together at a time of real stress in the life of families. I think we can do that. I think we have done that in the past. I think it is a bipartisan wish. What we are going to need here is leadership beyond the finger-pointing that we often see here in Washington.

So if we bring that spirit to this priority of stabilizing our economy, I think we can move forward and have a much stronger economy. If we choose not to and choose to focus on issues that will divide us when it comes to foreclosures, I think we are going to be off on the wrong track.

INTERNATIONAL BOUNDARY AND WATER COMMISSION TRAGEDY

Mr. BINGAMAN. Mr. President, I would like to take a few minutes today to express my sadness regarding the tragedy this week involving officials with the International Boundary and Water Commission, IBWC. On Monday, an airplane carrying U.S. Commissioner Carlos Marin; Mexican Commissioner Arturo Herrera; and also Jake Brisbin, Jr., Executive Director of the Rio Grande Council of Governments; and Matthew Peter Juneau, the pilot, was reported as missing when it failed to arrive at its destination of Presidio, TX. Wreckage of that aircraft was located yesterday, and it was confirmed that there were no survivors. I offer my condolences to the family members of all of the individuals who were on the aircraft.

I would like to say a few words in particular about Commissioner Marin, who I had the pleasure of working with on a range of IBWC matters in New Mexico. Commissioner Marin was appointed to his position by President Bush in December 2006 after 27 years of service to the Commission. Previous to that, he worked with the Bureau of Reclamation after receiving a bachelor's degree in civil, engineering. He took over the IBWC at a tumultuous time, and quickly gained the respect of his colleagues and employees with calm and steady leadership of the agency. He was a problem-solver, focused on the IBWC's mission, and someone who was always readily accessible to my staff and me. Recently, my staff worked with him on the management plan for the Rio Grande in southern New Mexico. Commissioner Marin was instrumental in moving this project along after an impasse of many years. We will miss his effective leadership and his warm personality. My sympathies go out to his wife Rosa and two adult children.

DEFENSE AUTHORIZATION

Mr. FEINGOLD. Mr. President, the 2008 Defense authorization bill contains a number of provisions that I strongly support. I support a pay raise for our troops, elimination of the SBP–DIC offset—which I was pleased to vote for—and extra funding for barracks maintenance. I also strongly support the provision limiting the outsourcing of private security functions in war zones. During this time of incredible strain on the women and men serving in the Armed Forces, it is essential that we provide them the best quality of life we possibly can.

However, I voted in opposition to the bill because it contains $70 billion to continue the war in Iraq but no language mandating that we safely redeploy our troops. Seven years after September 11, we remain bogged down in a conflict that is undermining our efforts to combat those who attacked us. We must redeploy from Iraq so that we can focus on the global threat posed by al-Qaida and its affiliates, particularly with respect to al-Qaida's safe haven in Pakistan along the Afghanistan border.

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 over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov 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:

My family runs a purebred cattle ranch. Two years ago, my oldest son decided he wanted to join us in the ranching business, so we doubled our cowherd and made some changes. It was a challenge to feed another family, but one we were willing to take. Last year, we had to refinance the farm to get a little breathing room, but within one year, the margin we gave ourselves by refinancing was gone with the skyrocketing cost of feed, fertilizer, and fuel—all as a result of the cost of fuel. Now our power rates have increased, also. There was not money in the budget for my son and he had to take a job in town. Now I am left with twice the work and half the help.

I have two other sons that stated recently a business installing dairy lockups. They have taken on a lot of debt for equipment and also have to support a family. Within just a few months, they have seen the rising cost of diesel eat into their business to the point that I think they will have to take out bankruptcy and try to piece their lives together afterwards. A pretty rough start for a 22-year-old newlywed and an 18-year-old. They watch their spending, but right now they are maxed out on their credit because of fuel costs and cannot even afford to get to their job sites. All our government officials need to be doing more. Absolutely open up our own oil fields. We need more refineries and more alternative fuel sources. I think hydrogen has excellent possibilities. And Idaho is an excellent source of wind. Something has got to be done and I mean now or this state will blow away.

MIKE, *Gooding.*

Short term: gas prices, depending on how soon we can start pumping oil, let us start drilling and refining here in the US. Same with nuclear power.

Long term: Honda just announced a new hydrogen fuel cell hybrid car that is three times as fuel efficient as the current hybrids. Will not be ready for about ten years, they say. Let us have these vehicles ready to purchase in three years, not ten. Same with electric cars. And give these businesses some kind of a [tax] break to keep the price of these vehicles down so everyone can afford to buy them, not just the movie stars in Hollywood!

RICK.

Please put politics aside and get serious about solving the energy crisis. You are the leaders of this country. You are representing the country very poorly. I am so amazed and ashamed of the way our leaders are putting themselves before the good of the country. Our forefathers were patriots! There are a few of you that are trying to solve the energy crisis. Quit throwing road blocks in front of those people.

My husband and I are retired, and the high cost of fuel is really hurting us. We live in a small town in Idaho, and we do not have public transportation. It is not like living in a city. Everything is spread out, so we have to drive almost everywhere. We have no choice. We bought a fifth wheel and a diesel truck when we retired. We planned on taking a summer trip in our RV to the Oregon Coast, but that will not happen. We just hope that we can take our RV to Arizona this winter. We have saved all our lives for our retirement, and the energy situation is wiping out our savings.

Let us see action [to back up the words we hear from our leaders]. Get off of foreign oil and become independent. Do the right thing and plan ahead. If it takes ten years to develop domestic oil wells, then get with it. This is a serious problem that is really hurting Americans.

LINDA, *Fruitland.*

I am concerned about the price of energy. Gas prices have gone up, and this is disconcerting and expensive. I am a mother of three and a devoted conservative. Last year we made plans to take a vacation on the Oregon coast this summer. Since we made those plans, gas prices have almost doubled. Now that we paid our deposit on the beach house, we cannot really back out, and it is still unaffordable to fly a family of five there, but we are afraid it is going to cost $600–900 in gas just to get there. When we made our plans, we were thinking more in the $300–400 range. But if this sounds bad, my brother and his wife who are going with us, both schoolteachers, with their six kids between the two of them (it is a blended family) will have to take two cars. So what was once a fun affordable summer vacation is now in the ridiculous range, just to get there, without food or hotel or fees for anything fun.

Why can't we drill for oil here in America? Why is our dirt so much more sacred than the dirt in the rest of the world? Let us look in our own country's wealth of resources to address this issue.

I am also highly supportive of exploring all our other resources: nuclear, water, wind, coal, etc. I know there are Native American reservations that want to build nuclear plants and they have been forbidden because of safety concerns. They should be allowed to build these plants, and I believe Americans are committed to the safety of our citizens in the process of exploring these other options. I am all for nuclear energy, with it is cost effectiveness and cleanliness.

I also believe here in Idaho we should be jumping at the chance to expand our public transportation in the form of a light-rail train. At this time of expensive gas, it would really be serving our community if we as citizens could look ahead and vote for it. I have lived in Utah and utilized their light rail (it runs full nearly every run) as well as traveled throughout Europe on their train systems. The convenience of traveling to downtown Boise from Meridian, or to BSU would be great. Not having to worry about parking or gas is wonderful. Can you imagine what this would do for the students of the valley if they could take the train to BSU? It was about four years from the time Utah voted it in until they could actually ride it. Let us begin!

Thank you for taking this issue seriously. Let us drill, let us build a train, and let us build a nuclear plant here in Idaho.

TAWNA, *Meridian*.

[Partisan policies have kept this issue from being resolved for many years.] The solution has been very obvious for a very, very long time. Simply ''explain'' to the oil companies that they have a choice. That is to either pay a huge windfall tax, or to immediately invest those windfall profits in new drilling in all the areas we already know we have an abundance of oil—and, by the way, process the huge supply of oil shale—if you recall, they said, ''when oil gets to $50 a barrel, it would be profitable!'' Well, what have they been waiting for?!

By the way, just the mention of this will cause the price of oil to drop $50 a barrel, if not more! But [there is too much special interest and environmentalist influence to take this simple solution.]

Plus, once you have that in place, the economy and the dollar are immediately strengthened. The next obvious step is to mandate that corn and other food stuffs will not be used for fuel, such as ethanol. There are many byproducts and non-food stuffs that are easily accessible and readily available that will produce that which is now obtained from corn. Consequently, not only will the price of gasoline, diesel and home heating fuels, etc. drop drastically, but the price of food and other products will drop back into line.

Of course, this would require that [partisanship be put aside and that small minorities and special interest groups take a back seat to the public interest.] Take action and set this country back on track and bring its economy back under control.

Like to hear from yuh . . . good luck,

BRUCE.

Gas prices have affected my family. How have we responded? We have chosen to conserve energy by driving less! We bike as much as possible, and are more mindful of when and where we choose to drive. In addition we drive relatively fuel-efficient vehicles. I disagree with the notion that we need to invade every last corner of our wonderful country in order to try to squeeze as much oil out of our domestic reserves as possible. That approach seems very short sighted to me. Clearly the heyday of cheap, readily available oil is over. Not only is oil bad for the environment, but it is not renewable. Our focus must be first on conservation. We should be focusing on increasing mass transit opportunities in Idaho and across the nation. We should also work on developing and rewarding businesses that are developing new, innovative green technologies such as electric cars. Secondly, we must be focusing on clean, renewable energy resources such as solar and wind power. But the major emphasis must be to limit the wastefulness that we have become accustom to in this nation.

KRISTIN, *Boise*.

This has been a great concern to our family and we have wondered why there has not been more help from our government with this problem. If it were just the gas prices it might be something we could struggle through, but everything has increased in cost, much of which, I believe, is a direct result of the skyrocketing gas prices.

Our family is a blended family. We live in Rexburg, Idaho, but transfer children on two weekends to Logan, Utah, and on the other two weekends to Salt Lake City, Utah. At least this is what we are supposed to be doing. We were already spending around $300–$400 a month in gas before the prices jumped so high. We had to cut back our visits because we started going more and more in debt just to put gas in our car. It became a choice of securing our family relations and seeing some of our children or putting food on the table, maintaining a relationship with sons and daughters or keeping ourselves from going bankrupt. There are children we see sometimes less than once a month because of this. We cannot attend their school plays, their sports events, and have even missed their first dates and dances. There has been nothing we can do about it and it has been very emotionally painful for all of us. My last trip to Salt Lake cost $177 in gas. It made me sick to have to spend that much just so I could see my daughter graduate, and as I sat at the pump watching the numbers climb, I knew I was just going farther into debt but I could not imagine missing that event.

Please, please keep trying to find an answer. We have fuel resources here. Why are not we using them? Yes, we need to protect the environment, but I do not think that will matter much to anyone if we cannot buy food or drive to work. I see articles all the time about cars that run on water or even air. Is this true? If it is, why are they not available to us? I believe there are answers and alternatives that do not require using our food crop to fill our cars. I do not know all the facts or have all the answers, but I do know that we cannot continue this way. It will not take long to become a bankrupt nation if we do not make some changes and fast. Thank you for trying to resolve this.

BEVERLY, *Rexburg*.

I have lived and worked as an auto mechanic in Boise for nearly 30 years. A couple of years ago I became ill and suffered some physical damage, which has forced a change in professions. I have taken some schooling and become an instructor of auto mechanics.

Finding a job as a new automotive teacher has been a challenge, as there are few opportunities scattered around the Treasure Valley. I now begin my second year of teaching for the Canyon Owyhee School Service Agency, a consortium of five small rural school districts. I am required to travel among Parma, Notus, Wilder, Marsing, and Homedale High Schools. I am proud of the students I am training, and feel that I have found a worthy role to play in the lives of our youth. The catch is that I must drive about 120 miles per day. Because only one of these schools is equipped with an actual auto shop, I must carry with me substantial weight in tools, auto parts, training devices, and I have even towed cars from time to time.

My transition to teaching may seem like a logical move for a man in my physical situation, but it has cut my income considerably. I also carry the burden of residual medical bills and the cost of the continuing education required for my teaching credentials. I do receive a small mileage allowance, for miles driven within the district, but those are about half of the miles I drive. (Miles to and from my home in Boise are excluded.) Obviously, rising fuel and maintenance costs have substantially contributed to economic hardship as I struggle to rebuild some kind of a career. Fuel has risen in price more than eighty cents per gallon throughout this past school year, so I now must pay about $14 each day, out of pocket, for my daily commute. I fear that between the real issues of an inadequate teaching salary and skyrocketing fuel costs, despite my efforts to remain a productive citizen, I will be forced out of my home, or even into unemployment lines.

KELLY, *Boise*.

My family and I have been affected in surprising ways by the increase in oil prices. We have always tried to be careful and conservative in our use of all of our country's resources and oil and gas are no exception. So it was a surprise to us that when our car's gas price went up above $4 per gallon, we were suddenly more thoughtful about how and when we drive the car. We had thought we were as conservative as we could comfortably be with the amount we drove the cars, but it turns out that, overnight, we thought of many ways and times that we could leave the car in the garage and take the bus or ride a bike or even combine multiple trips into one weekly trip. It is only been a short time that the change has occurred and it has been in the summer time that offers many options. However, we are very pleased with the changes and are even considering getting rid of one of our cars as it they are both now sitting in the garage so much of the time.

I hope that this state and nation takes on the challenge of giving greater and greater incentives to alternative/renewable energy production and that we can work toward reducing greenhouse gases that this country is producing at such high rates. We are a country full of creative citizens and technological skills. I hope that we can start being a leader in this area rather than the most slow of followers. I know that this has not been your perspective but I hope that you can see the advantages to our citizens and growing technological community in supporting future climate change incentive and decentive bills.

ELIZABETH.

I now have a choice—medicine or gas, doctor appointment or gas; I cannot afford both, health or gas. Guess I could go on welfare and live off of the state. I drive ten miles to work, my husband drives 30 miles (both one way). We could move, but try to sell a house in this economy. So the middle class is out of luck again. Please do something.

JO.

Since the fuel price increases have become a part of my day-to-day concerns, I have observed a $240 increase in my monthly spending in fuel for my vehicle. I only use my vehicle to go to work. I buy groceries within two miles of my work place, and that is the extent of my driving. My groceries are running about 40% higher, but I am sure that it something to do with using our tax dollars to subsidized the corn growers to build the ethanol plants what are of no significant value other than to help someone's friend make money and secure their job. But I digress; the subject is the fuel pricing and how it affects me. In the past, I would commute to Boise once a week and enjoy a dinner out because there are no restaurants in Mt Home that [I enjoy], but that, too, has past because of the fuel pricing. I am sure there are others in the same situation, and it must be hurting the restaurants and all other businesses in that area because we are dedicating our money to the rising fuel costs. Nevertheless, I will go on cutting my spending to accommodate the rising fuel costs until something

better comes along. No! I will not get rid of my Ford F–150 because I am a tall person and require the leg and head room. I know that comes at a price but I would rather do that than to sacrifice the comfort.

STEPHEN, *Mountain Home AFB.*

TRIBUTE TO THE POLYNESIAN VOYAGING SOCIETY

Mr. INOUYE. Mr. President, today I would like to recognize the Polynesian Voyaging Society. For more than a quarter century, members of the Polynesian Voyaging Society have dedicated much of their lives to voyages of exploration and discovery that have retraced every major migratory route of the ancient Polynesians. These voyages are not recreational but rather journeys that illustrate the scientific prowess of the Polynesian people and the strong connection between science and culture. Their commitment to the legacy of oceanic exploration seeks to integrate traditional voyaging into quality education. The Polynesian Voyaging Society has renewed interest in maritime exploration and reawakened Native Hawaiian pride in environmental awareness and ocean stewardship.

In today's age of modern technology, much can be learned from the past. Hawaii's past and future will always be intimately tied to the ocean for recreation, commerce, and transportation. The society exemplifies the importance of raising awareness of and protecting the unique treasures Hawaii's culture offers, and serves to enlighten a new generation of young people. Its members are truly a testament to Hawaii's oceanic heritage.

PROTECTION FROM CHILD PREDATORS

Mr. ALEXANDER. Mr. President, today I joined as a cosponsor of two bills to protect children: S. 1738, the Combating Child Exploitation Act; and S. 519, the Securing Adolescents from Exploitation-Online—SAFE—Act.

I am cosponsoring S. 1738 to signal my support for this bipartisan effort to create a nationwide network of highly trained law enforcement experts to track down and prosecute child predators who exploit children, but it is my hope that Congress would enact the modified version of this legislation that was included in bills separately introduced by the majority leader—S. 3297—and Senator COBURN—S. 3344.

Unfortunately, both bills have been held up by partisan gridlock despite widespread support on both sides of the aisle. In fact, the House version of the SAFE Act—H.R. 3791—passed the House of Representatives by a vote of 409–2 in December 2007. That is why I believe that both bills H.R. 3791 and the modified version of S. 1738 could pass by unanimous consent if they were called up and passed together.

It is time to stop playing politics, bring these bills to the Senate floor and let the Senate approve them. Child exploitation is too important a problem to get caught up in partisan politics. I urge the majority leader to call up and pass these two bills without delay, and without either being attached to other legislation that could prevent them from becoming law.

I can't think of a more bipartisan step for the Senate to take this month than ending this impasse and passing these two worthwhile bills to protect children.

RED RIBBON WEEK

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague, Senator MURKOWSKI, in cosponsoring a resolution commemorating Red Ribbon Week. Red Ribbon Week, observed October 23–31, encourages individuals, families, and communities to take a stand against alcohol, tobacco and illegal drug abuse. During this week, students all over the country pledge to live drug and alcohol free.

The tradition of Red Ribbon Week, now in its 23rd year of wearing and displaying red ribbons, started following the assassination of U.S. Drug Enforcement Administration Special Agent Enrique ''Kiki'' Camarena. In an effort to honor his memory and unite in the battle against drug crime and abuse, friends, neighbors, and students from his home town of Calexico, CA, began wearing red ribbons. Shortly thereafter, the National Family Partnership took the celebration nationwide. Since then, the Red Ribbon campaign has reached millions of children, families, and communities across the country, spreading the message about the destructive effects of drugs.

In my State of Iowa, the theme for Red Ribbon Week is ''Ask me, See me, Be me . . . I'm Drug Free.'' Schools and community groups across the State are organizing a variety of activities including pledges, contests, workshops, rallies, theatrical and musical performances. These events are all designed to educate our children on the negative effects of drugs and to promote a drug-free environment.

Research tells us that the longer children stay drug-free, the less likely they will become addicted or even try illegal drugs. This is why it is so important to maintain a coherent anti-drug message that begins early in adolescence and continues throughout the growing years. Such an effort must involve parents, communities, and young people. Red Ribbon Week provides each of us the opportunity to take a stand by helping our children make the right decisions when it comes to drugs.

In light of the growing epidemic of prescription drug and cold medicine abuse throughout the Nation, this year's Red Ribbon Week holds greater importance. I hope my colleagues will join me in passing this resolution to demonstrate our commitment to raising awareness about drugs and encourage everyone to make healthy choices.

ADDITIONAL STATEMENTS

CONGRATULATING COASTAL WINDOWS, INC.

● Mr. AKAKA. Mr. President, I want to take this opportunity to congratulate the owners and employees of Coastal Windows, Inc., a family owned and operated business on Oahu and one of this year's recipients of the 2008 Freedom Awards presented by the Secretary of Defense and the National Committee for Employer Support of the Guard and Reserve.

Coastal Windows began their business in response to Hawaii's need for windows and doors that could endure the harsh environmental climate of the State's Sun, wind, rain, and salt air. They have been in operation for nearly 20 years and in that time have grown to an organization consisting of 62 employees. They are known for treating their employees as part of their ''ohana'' or family and are proud members of the community.

The manner in which they take care of their employees who also serve in our Nation's Armed Forces should inspire all of us here in Congress and across this Nation. Take for example their employee U.S. Army sergeant Mike Echiverri, who is about to be deployed for the third time as a member of the National Guard. During his absence, Coastal Windows maintains all his benefits, including health, dental, vision, and his retirement plans. He also continues to earn sick leave and vacation time, and he is given additional time off to spend with his family before and after each deployment. Coastal Windows also often sends care packages to deployed employees and maintains regular communication via e-mail. The company also extends its support to family members of deployed employees by staying in constant contact with the family members and ensuring that spouses are invited to social events.

Coastal Windows became actively involved with the Department of Defense's Employer Support of the Guard and Reserve, ESGR, program after its vice president, Bob Barrett, learned of the organization's efforts to promote cooperation and understanding between Reserve members and their civilian employers. Mr. Barrett became an ESGR employer outreach volunteer and works with ESGR Hawaii to educate employers about the benefits of hiring Guard and Reserve members. Coastal Windows also supports the military community by participating in activities like the Marine Corps' Toys for Tots program.

As 1 of only 15 companies nationwide to receive this honor, I congratulate Coastal Windows, and Mr. Bob Barrett in particular, for their dedication to their workers and for their selection as a Freedom Award recipient for 2008. They have set the standard in Hawaii as an example of how the community can take care of our soldiers, sailors,

airmen, and marines and their families and make a direct contribution to the national security of the United States. I salute them for their outstanding service and wish them continued success in the years to come.●

REMEMBERING ROBERT J. McCARTHY

● Mrs. BOXER. Mr. President, I take this opportunity to honor the memory of a dedicated attorney, community leader, and wonderful person, Robert ''Bob'' McCarthy. Bob passed away on September 4, 2004. He was 61 years old.

Born in New York City on December 31, 1946, Bob McCarthy spent his childhood in the city, where he attended Regis High School in Manhattan. Following his graduation in 1965, Bob attended Santa Clara University, where he was a Presidential honors scholar and editor-in-chief of the school newspaper. In 1969, Bob received a B.A. cum laude in political science in 1969. While attending the university, Bob met his future wife, Suzanne Bazzano, the office manager at the school newspaper. They married in 1970 and had five children.

Following a stint in Chicago, where he earned his law degree from the University of Chicago Law School, Bob and Suzanne moved to San Francisco, Suzanne's hometown. Bob pursued a career in law, working in the San Francisco office of the district attorney for 4 years, serving as chief deputy district attorney. In 1980, Bob started his own general law practice with his friend Lester Schwartz.

Throughout his career, Bob found the time to pursue his love and passion for politics. He served as general counsel for the California Democratic Party from 1983–1990, and held a number of trustee positions within the Democratic Senatorial Campaign Committee, including National Finance cochair. He also served as a close adviser and cochair of my own Senate campaign, and has also advised a number of other elected officials in California. Bob was also well-known for the election day lunches that he hosted every year, a tradition among Bay Area dignitaries that wasn't to be missed.

In addition to the long hours Bob put in as an attorney, Bob carved out time to give back to his community. He was appointed by President Bill Clinton to the Woodrow Wilson Center Board of Trustees; served as a guest lecturer at Hastings College of Law in San Francisco, the University of California at Berkeley, and Peking University in Beijing, China; sat on the board of St. Mary's Hospital; was a regent of St. Ignatius College Preparatory; and was also made a member of the Knights of the Equestrian Order of the Holy Sepulchre of Jerusalem by Pope John Paul II.

Bob is survived by his mother, Dorothy McCarthy; his wife, Suzanne; his sons Brendan, Matthew, Ryan, and Bobby; and daughter, Margaret. I extend my deepest sympathies to his family.

Bob McCarthy was a deeply loved community leader, both in the Bay Area and throughout the State of California, and he will be missed by all who knew him. Let us take comfort in knowing that his dedication and love for his family, friends, and community have made this world a better place to live.●

TRIBUTE TO DON BOXMEYER

● Mr. COLEMAN. Mr. President, while my city of Saint Paul was enjoying its moment in the spotlight earlier this month, we were also mourning the passing of one of our great storytellers, Don Boxmeyer. Throughout his life as a reporter, columnist and author, Don discovered and brought out the human strength and variety of Saint Paul as no one else has. That made him one of our most important citizens.

Don worked as a hard news reporter for the St. Paul Dispatch and the St. Paul Pioneer Press, and wrote a column for over two decades. Here is how he described his career in his own words:

> I realized that the interesting people and places nobody ever wrote about held more fascination to me and my readers than all the governors, mayors and city council members who never seemed to be much persuaded by my opinions anyhow. I began to collect hobos and hermits, bare-knuckled brawlers and bread-baking nuns, short order cooks and hockey coaches, drake mallards named Jake, and bridge tenders, band directors, bear hunters and quiet old men who wept softly when we talked about the friends they'd left on the battlefield.

And he shared them with the rest of us with humor, respect and a love of the nobility of regular people.

In his book, ''A Knack for Knowing Things,'' Don collected many of his best columns about Saint Paul and Minnesota. He wrote about Swede Hollow in Saint Paul, the Rondo neighborhood destroyed by the construction of I–94 and Saint Joseph's Orphanage. He wrote about Stillwater, Lake Superior and Ashby, MN, and hundreds of other places and the people who made them. If a new resident of our State or its capital city asked me to tell them what kind of place they had moved to, I would just give them a copy of that book and let them discover it for themselves.

Don Boxmeyer's life eloquently conveyed an important lesson: each of our communities has roots in the values and experiences of generations that came before and we need to capture them before they disappear. His oral history of places Minnesotans know well and events they only vaguely know about is a priceless gift to the future.

Somewhere I read about a moment of despondency in the life of Robert F. Kennedy as he mourned the death of his brother Jack. Attempting to comfort him, someone said something like, ''It is tragic that he only got to serve for 1,000 days, but that's as long as Julius Caesar served and we still remember him.'' Robert Kennedy replied, ''Yes, but Caesar had Shakespeare to tell the story.''

Saint Paul and Minnesota are much the greater because we had Don Boxmeyer to tell our stories.●

RECOGNIZING DEBORAH LONG

● Mr. CRAPO. Mr. President, it is my great honor to recognize Principal Deborah Long of Betty Kiefer Elementary School in Rathdrum, ID. Deborah has been recognized as Idaho's 2008 recipient of the National Distinguished Principals Award. The award is given jointly by the National Association of Elementary School Principals and the U.S. Department of Education. Deborah is being recognized for her exemplary leadership in her job and in her community and contributions to her profession, including professional association affiliations.

Deborah has established strong ties with parents and local businesses in Rathdrum. She has demonstrated exceptional leadership at Betty Kiefer Elementary and in the community. She promotes a goal-oriented learning environment for her students and expects great things from her students and her staff. In fact, under her leadership, Betty Kiefer Elementary is both an Idaho School of Merit and a recipient of the A+ Excellence in Education Award. In today's world, young students need and benefit from a good role model and someone who cares for them. She cares about the learning environment itself the school is decorated with floor-to-ceiling, hall-length murals that tell the story of a school focused on principles, patriotism, pride in their State and kindness to others. Deborah has gone above and beyond the call of duty in her service as principal of Betty Kiefer Elementary School, in her words, making her school ''safe, secure and caring.'' Students in this rural Idaho school are fortunate, indeed, to have the gift of Deborah's wisdom, encouragement and expectations of moral behavior and high integrity. It says a lot about a principal when close to 100 percent of parents attend parent teacher conferences and a full 25 percent of parents volunteer at the school.

I am certain I share the sentiments of her students, their parents and her staff when I wish her congratulations and the best for continued excellence in her career.●

HONORING CONGREGATION BETH SHALOM

● Ms. MURKOWSKI. Mr. President, their Web site is called frozenchosen.org. No kidding. Today I honor Congregation Beth Shalom of Anchorage, AK, an affiliate of the Union for Reform Judaism, on the occasion of its 50th anniversary. It is a pillar of Alaska's small but vibrant Jewish community.

Congregation Beth Shalom is one of five synagogues in the State of Alaska. Only two of those five synagogues enjoy the services of a full-time rabbi. Congregation Beth Shalom is one of these two synagogues.

I am pleased to acknowledge and welcome Rabbi Michael Oblath, the present Rabbi, who joined Congregation Beth Shalom in September 2007. He is the fifth Rabbi to serve the congregation since its founding on September 5, 1958. It is also appropriate to recognize the four other individuals who have served as spiritual leaders to Congregation Beth Shalom since its founding, beginning with Rabbi Lester Polonsky, Rabbi Harry Rosenfeld, Rabbi Johanna Hershenson, and Rabbi Fred Wenger.

Congregation Beth Sholom was first organized on September 5, 1958. It was on that day that 20 people gathered in Burt and Bobbie Goldberg's home to welcome the Shabbat and organize a synagogue. At the time, the only Jewish services in Anchorage were being conducted by chaplains on Elmendorf Air Force Base, and organizers wanted to establish a Jewish identity for their children which were anchored to the city.

Today, Congregation Beth Shalom occupies a beautiful synagogue building on East Northern Lights Boulevard, which opened 20 years ago to commemorate the 30th anniversary of the congregation's founding. The synagogue houses the Joy Greisen Jewish Education Center, which features a preschool open to the entire community, without regard to religious affiliation, an afterschool arts program and a summer camp.

Congregation Beth Shalom has achieved Green Star recognition for its environmental and energy conservation efforts. Its Tikkun Olam program is engaged in numerous good works which help make Anchorage one of the best places in our Nation to live and raise a family.

I am proud to recognize Congregation Beth Shalom on 50 years of service to our southcentral Alaska community. We have great expectations for your next 50 years.●

RECOGNIZING TOMMY L. HARBOUR

● Mr. ROCKEFELLER. Mr. President, today I honor Tommy L. Harbour, a fellow West Virginian from Milton. He is a shining example of the self sacrifice and willingness to serve that is an important part of the culture of West Virginia. I am privileged to represent him and share his story with you today.

Tommy Harbour proudly served his country during World War II. He joined the Coast Guard on July 5, 1943, where he was assigned to the USS *Bayfield* and served on the landing craft PA33–4. During the invasion of Normandy, Mr. Harbour's landing craft first helped reinforce Omaha Beach with soldiers before making several more landings on Utah Beach under constant gunfire from several fortified German positions. After the European campaign was over, Tommy continued to serve in the Pacific Theater. He and his fellow soldiers played crucial roles in the invasion of Iwo Jima and the invasion of Okinawa in 1945.

Following the war, Tommy Harbour was honorably discharged on May 27, 1946, when he returned home to Milton, WV. Tommy went on to once again answer the call of duty, serving as the mayor of Milton for 17 years. During his time as mayor, Tommy showed strong commitment to helping those he served. Mr. Harbour had a reputation for thoroughly examining the issues before him and ensuring the best possible course of action was taken. As mayor, Tommy was approachable and always willing to listen to people's thoughts and concerns. The enhancements he helped orchestrate, such as flood protection and improving the police department, will be attributes to Milton for years to come.

Tommy Harbour is an outstanding American and a true West Virginian. He is a perfect model of the impact one man can have. Mr. Harbour has lived a life of service, always giving and never asking for anything in return. This story of his bravery and willingness to serve his community is a great example of the accomplishments we are all capable of and I hope it has inspired my fellow colleagues and individuals nationwide.●

COMMENDING DR. EPHRAIM ZUROFF

● Mr. SMITH. Mr. President, I rise today to commend Dr. Ephraim Zuroff and the Simon Wiesenthal Center for their efforts to track down the last Nazi war criminals from World War II. Their work is enormously important, both in bringing the guilty to justice and preventing future acts of genocide. The statute of limitations does not—must not—expire on crimes against humanity. Earlier this year, I introduced the World War II War Crimes Accountability Act with Senator NELSON, which I hope will help Dr. Zuroff and the Simon Wiesenthal Center in their noble effort.

One of the main targets of this effort is Milivoj Asner, who during World War II was the fascist police chief of Pozega, Yugoslavia. Serving the Nazi-allied Ustasha regime in his native Croatia, Asner presided over the destruction of the local Jewish, Serb, and Gypsy populations. After the war ended, Asner fled to Austria, where he lived in obscurity until he was finally charged with war crimes by Croatia in 2005. His extradition has been delayed, however, by Austrian federal and local bureaucratic obstruction. Austrian authorities have claimed that Asner is in poor health, though apparently that infirmity did not stop him from attending a Euro 2008 soccer game this past summer, where he was spotted by a British newspaper. In light of this evidence, the local and national Austrian authorities must summon the political will to bring Asner to justice.

The Simon Wiesenthal Center launched Operation: Last Chance in 2002 to identify and assist in the prosecution of the remaining Nazi war criminals still at large. Dr. Zuroff, who has been leading this effort, should be highly commended for his outstanding efforts in bringing the most guilty Nazis to justice. Of these, Asner is near the top of his list.

Even today, the crimes of people such as Asner in the service of pro-Nazi regimes strain our understanding of hate. National Socialist Germany today is an icon remembered only for its brutality, its mantra of genocide, and its culture of racism. And those last Nazis, who are waiting out their last days under the coming twilight, must not be allowed to go quietly into the night, as did too many of their victims. For the souls that were lost, and even more for those that remain, there must be justice. I commend Dr. Zuroff and the Simon Wiesenthal Center in the highest possible terms, and urge the U.S. Government to do all it can to help them in their cause.●

ARMSTRONG-RINGSTED 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 Armstrong-Ringsted 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 Armstrong-Ringsted Community School District received a 2002 Harkin grant totaling $1 million which it used to help build an addition to replace a 1915 building. The new building includes a science lab, an activity center/gymnasium and 10 classrooms. 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 fire safety grants totaling $107,000 to make improvements throughout the district.

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 Armstrong-Ringsted Community School District. In particular, I'd like to recognize the leadership of the board of education—Rod Foster, Paul Stevens, Howard Taylor, Betsey Ulrich, Don Looft and former members Marti Kindrick, Dale Anderson, Jan Hampton, Tom Mart, Greg Buum, Lisa McConnell, Greg Anderson, Anita Larsen, and Rick Steinberger. I would also like to recognize superintendent Randy Collins, former superintendent Robert Raymer, board secretary Deb Obbink and building director Tom Mart.

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 Armstrong-Ringsted Community School District. There is no question that a quality public education for every child is a top priority in those communities. I salute them, and wish them a very successful new school year.●

BAXTER 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 Baxter 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 Baxter Community School District received a 2003 Harkin grant totaling $508,893 which it used towards building new elementary school classrooms. The additions also allowed the district to add a preschool classroom and partner with a local childcare center. 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 fire safety grant in 1999 for $8,893, which was applied to a new detection system, wiring and exit signs at the high school.

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 Baxter Community School District. In particular, I would like to recognize the leadership of superintendent Neil Seales, building committee cochairs Jim Robinson, Julie McWhirter, and Larry Hesson, and the Baxter school board of directors.

Mr. President, 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 do better.

That is why I am deeply grateful to the professionals and parents in the Baxter 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.●

BENTON 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 Benton 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 Benton Community School District received a 2001 Harkin grant totaling $100,000 which it used to build a fire wall and renovate the stage area of the Keystone Center building. The area was transformed into two classrooms for art and music. The Federal grant 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 Benton Community School District. In particular, I'd like to recognize the leadership of the board of education—Brenda Schanbacher, Terry Harrington, Brian Strellner, Dan Voss, Tricia Schutterle, Bryce Brecht and Bill Boies and former board members Robyn Allen, George Martin, Connie Jacobsen, Elaine Harrington, Jeff Semelroth, Gary Kaiser and Chris Christensen. I would also like to recognize superintendent Gary Zittergruen and elementary school principal Tim Sanderson.

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 Benton 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.●

CARLISLE 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 Carlisle 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 Carlisle Community School District received a 2005 Harkin grant totaling $500,000 which it used to help replace the roof on the existing high school and to help build a new middle 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 which it used to update fire security systems in schools throughout the district.

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 Carlisle Community School District. In particular, I would like to recognize the leadership of the board of education—Rob Joiner, Ann Polito, John Judisch, Mark Randleman and Michelle Tish. I would also like to recognize superintendent Tom Lane, district business manager Jean Flaws and Gary Schwartz of the Iowa Department of Education.

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 Carlisle 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.●

CENTERVILLE 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 Centerville 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 Centerville Community School District has received $1 million in Harkin grant funding to modernize schools in the district. The district received a 2003 Harkin grant for $500,000 which it used to help remodel the third floor of the high school and build a modern science center addition. The district also received five fire safety grants totaling $500,000 to replace outdated electrical systems, to install updated fire alarm systems, to install new emergency lighting and to make other fire safety improvements throughout the district. 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 Centerville Community School District. In particular, I would like to recognize the leadership of the board of education—Chris Hoffman, Steve Hoch, Deborah Watley, Jeri Pershey, Bill Matkovich, Brad Appler and Nick Hindley and former members Richard Roos, Deborah Egeland, Debbie Eurom, Shawna Stickler, Desiree Campbell, Joel Hollatz, Dr. David Fraser, Ray Tresemer and the late Brian Kauzlarich. I would also like to recognize superintendent Richard Turner, former superintendent Dr. Marvin Judkins, buildings and grounds director Ed Shirley and principals Ray Miller, Bruce Karpan and Scott Clark.

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 Centerville 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.●

EAST MARSHALL 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 East Marshall 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 East Marshall Community School District received a 2005 Harkin grant totaling $500,000 which it used to help build an addition to the high school which included a new gymnasium, cafeteria and commons and classrooms for music and career education. The new facility received the highest rating from Alliant Energy for energy efficiency including a new geothermal system. The former cafeteria was renovated for art education. 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 three fire safety grants totaling $40,967 to upgrade fire alarms, install new doors and make other improvements throughout the district.

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 East Marshall Community School District. In particular, I would like to recognize the leadership of the board of education—Mike Strawn, Dave Scott, Robert Thomas, Connie Allen and Steve Edwards. I would also like to recognize superintendent Dr. Alan Meyer, high school principal Rex Kozak, Dave Harrison from Design Alliance, the Weidt Group, Alliant Energy and the Iowa Department of Natural Resources.

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 do better.

That is why I am deeply grateful to the professionals and parents in the East Marshall 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.●

IOWA CITY 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 Iowa City 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 Iowa City Community School District received a 2002 Harkin grant totaling $1 million which it used to help build Tate Alternative High School. The district also received a 2004 construction grant for $500,000 to build an addition at Kirkwood Elementary School which includes a gymnasium and three kindergarten classrooms and to build an addition at Grant Wood Elementary School which includes a gymnasium, a family resource center and a prekindergarten classroom. These schools are the modern, state-of-the-art facilities that befit the educational ambitions and excellence of this school district. Indeed, they are the kind of schools that every child in America deserves. The district also received a $250,000 fire safety grant to make improvements at City High School.

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 Iowa City Community School District. In particular, I would like to recognize the leadership of the board of education—Toni Cilek, Liz Crooks, Mike Cooper, Patti Fields, Jan Leff, Gayle Klouda, Tim Krumm and Michael Shaw and former board members Pete Wallace, Matt Goodlaxson, Lauren Reece, Don Jackson, David Franker and Aletia Morgan as well as superintendent Lane Plugge and physical plant director Paul Schultz.

The Iowa City Community School District passed a $39 million bond issue to modernize facilities throughout the district including the three projects discussed earlier. I would like to recognize Charlie Funk and Sarah Swisher for their leadership on Yes for Kids Committee and the cities of Iowa City and Coralville for their partnerships with the district.

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 Iowa City 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.●

NEW HAMPTON 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 New Hampton 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 New Hampton Community School District received a 2001 Harkin grant totaling $275,000 which it used to help build a community fitness center in collaboration with the city of New Hampton. The district also received a 2002 grant for $260,000 to install a new HVAC system at the high school and four fire safety grants totaling $218,817 to make improvements to schools throughout the district. 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 New Hampton Community School District. In particular, I would like to recognize the leadership of the board of education—Deb Larsen, Bob Smith, Terry Anderson, Tom Rasmussen and Kevin Rieck and former board members Rich Stochl, Rick Holthaus, Tom Gansen, George Feazell, Virgil Pickar, Gerald Johnson, Dr. Todd Becker, Rich Goodwin, David Utterback and Clarence Kriener. I would also like to recognize superintendent Stephen Nicholson, former superintendents Bob Longmuir and Terry Christie, business manager and supervisor of buildings and grounds Bob Ayers, curriculum coordinator Linda Kennedy, high school principal Richard Evans, activities director Kelly O'Donnell, New Hampton Mayor Darwin Sittig and the New Hampton City Council, Chairman Steve Dahl and members of the board of trustees for the New Hampton Municipal Light Plant, Chip Schwickerath and Willis Hansen from the GIFT Campaign, and Lynn Schwickerath from the New Hampton Booster Club.

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 New Hampton 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.●

OELWEIN 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 Oelwein 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 Oelwein Community School District received three Harkin grants totaling $1,129,212. The 1998 grant for $250,000 helped build the Oelwein Early Childhood Learning Center to provide classrooms for prekindergarten, preschool, child care, Head Start and before and after school programs. The 1999 grant for $750,000 helped build the Williams Performing Arts Center and Oelwein Wellness Center. The 2005 grant for $129,212 helped build the Regional Academy for Math Science and Technology. 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 Oelwein Community School District. In particular, I would like to recognize the leadership of the board of education—Jim Moeller, Charlene Stocker, David Schmidt, Kathy Adams, Jean Nelson, Candace King and Rick Myott and former board members Mary Davis, Harlan Peterson, Dave Lorenzen, Tim Conrey, Dr. George Harper, Marilyn Miller and Becky Hamann as well as superintendent James Patera, former superintendent Dr. Kent Mutchler, business manager/board secretary Joan Loew and former business manager/board secretary Keith Jarchow.

The city of Oelwein has been an important partner with the school district so I would like to recognize mayor Larry Murphy, former mayor Gene Vine, city manager Steven Kendall, and members of the city council—Mike Kerns, Paul Ryan, Duane Brandt, John Gosse, Nathan Lein, Rex Ericson and former members Viola Sims, Curt Solsma, Jacqueline Greco, Charles Geilenfeld, James Mazziotti, Terry Pepin and Duane Ohrt as well as community members Kevin Brooks, Lyle Miller and Tom Masey.

The projects also received strong support from the Greater Oelwein Area Charitable Foundation, Inc and I would like to recognize board members Donald Avenson, Stephen Bisenius, Steven Falck, Donald Frazer, Gene Fuelling and Ronald Van Veldlhuizen.

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 Oelwein 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.●

SPIRIT LAKE 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 Spirit Lake 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 Spirit Lake Community School District received a 2002 Harkin grant totaling $953,709 which it used to help build a five classroom addition to the middle school for science, art, industrial arts, family and consumer science and for renovations at the high school. The district also received a 2000 fire safety grant for $69,300 to make improvements at the elementary and middle schools. These projects were part of a comprehensive facility plan developed by a committee of local citizens and 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 Spirit Lake Community School District. In particular, I would like to recognize the leadership of the board of education—president Beth Will, vice president Ann Goerss, Cliff Garvey, Scott Wicks and Todd Hummel and former board members Carol Schultz, Dr. Craig Newell, Mike Donahue and John Van Dyke. I would also like to recognize superintendent Douglas Latham, former superintendent Tim Grieves, high school principal Steve Ratzlaff and facility director Jim Tirevold.

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 do better.

That is why I am deeply grateful to the professionals and parents in the Spirit Lake 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.●

WEBSTER CITY 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 Webster City 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 Webster City Community School District received two Harkin fire safety grants totaling $186,126 which it used to help replace windows at two elementary schools and to replace fire alarms, install safety glass and make other improvements throughout the district. 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 Webster City Community School District. In particular, I would like to recognize the leadership of the Board of Education—Craig Loffredo, Judy Maubach, Loween Getter, Dan Ryherd and Pam Hayes and former board members Paul Hess, Dr. Subhash Sahai, Rick Rasmussen and Jack Foster. I would also like to recognize superintendent Mike Sherwood, director of building and grounds David Orton and former superintendents Dennis Bahr and Kay Forsythe.

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 do better.

That is why I am deeply grateful to the professionals and parents in the Webster City 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.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED ON SEPTEMBER 23, 2001, WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM—PM 64

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a

notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2008.

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, in Pennsylvania, and against the Pentagon committed on September 11, 2001, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism, and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 18, 2008*.

MESSAGE FROM THE HOUSE

At 11:57 a.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. 1594. An act to designate the Department of Veterans Affairs Outpatient Clinic in Hermitage, Pennsylvania, as the Michael A. Marzano Department of Veterans Affairs Outpatient Clinic.

H.R. 3019. An act to establish an Office of Housing Counseling to carry out and coordinate the responsibilities of the Department of Housing and Urban Development regarding counseling on homeownership and rental housing issues, to make grants to entities for providing such counseling, to launch a national housing counseling advertising campaign, and for other purposes.

H.R. 5772. An act to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities.

H.R. 6627. An act to authorize the Board of Regents of the Smithsonian Institution to carry out certain construction projects, and for other purposes.

H.R. 6842. An act to restore Second Amendment rights in the District of Columbia.

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.

H.R. 6899. An act to advance the national security interests of the United States by reducing its dependency on oil through renewable and clean, alternative fuel technologies while building a bridge to the future through expanded access to Federal oil and natural gas resources, revising the relationship between the oil and gas industry and the consumers who own those resources and deserve a fair return from the development of publicly owned oil and gas, ending tax subsidies for large oil and gas companies, and facilitating energy efficiencies in the building, housing, and transportation sectors, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 6842. To restore Second Amendment rights in the District of Columbia.

H.R. 6899. An act to advance the national security interests of the United States by reducing its dependency on oil through renewable and clean, alternative fuel technologies while building a bridge to the future through expanded access to Federal oil and natural gas resources, revising the relationship between the oil and gas industry and the consumers who own those resources and deserve a fair return from the development of publicly owned oil and gas, ending tax subsidies for large oil and gas companies, and facilitating energy efficiencies in the building, housing, and transportation sectors, and for other purposes.

S. 3526. A bill to enhance drug trafficking interdiction by creating a Federal felony relating to operating or embarking in a submersible or semi-submersible vessel without nationality and on an international voyage.

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–7625. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Robert T. Dail, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–7626. A communication from the Acting Secretary of the Air Force, transmitting, pursuant to law, the report of an Average Procurement Unit Cost (APUC) breach relative to the Advanced Extremely High Frequency satellite program (AEHF); to the Committee on Armed Services.

EC–7627. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report on the Department's Operation and Financial Support for Military Museums; to the Committee on Armed Services.

EC–7628. A communication from the Assistant Secretary of Defense for Health Affairs, Department of Defense, transmitting, pursuant to law, a report relative to the Military Health System; to the Committee on Armed Services.

EC–7629. A communication from the Executive Director, Project on National Security Reform, providing notification that the required report relative to the national security interagency system will be submitted by October 15, 2008; to the Committee on Armed Services.

EC–7630. A communication from the Assistant Secretary of Defense (Homeland Defense and Americas' Security Affairs), transmitting, pursuant to law, a report entitled ''Plan for Coordinating National Guard and Federal Military Force Disaster Response''; to the Committee on Armed Services.

EC–7631. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Acquisitions in Support of Operations in Iraq or Afghanistan'' (RIN0750–AG02) received on September 8, 2008; to the Committee on Armed Services.

EC–7632. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Limitation on Service Contracts for Military Flight Simulators'' (RIN0750–AG04) received on September 8, 2008; to the Committee on Armed Services.

EC–7633. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Security-Guard Functions'' (RIN0750–AF64) received on September 8, 2008; to the Committee on Armed Services.

EC–7634. A communication from a member of the Sensors and Instrumentation Technical Advisory Committee, transmitting, pursuant to law, a report entitled ''Availability of Uncooled Thermal Imaging Cameras in Controlled Countries''; to the Committee on Banking, Housing, and Urban Affairs.

EC–7635. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Federal Government Participation in the Automated Clearing House'' (RIN1510–AB00) received on September 2, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7636. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Clarification of the Classification of Crew Protection Kits on the Commerce Control List'' (RIN0694–AE24) received on September 2, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7637. A communication from the Acting Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Exemption from Registration Under Section 12(g) of the Securities Exchange Act of 1934 for Foreign Private Issuers'' (RIN3235–AK04) received from September 8, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7638. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((73 FR 48136)(44 CFR Part 65)) received on September 8, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7639. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((73 FR 48412)(44 CFR Part 67)) received on September 8, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7640. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((73 FR 48130)(44 CFR Part 64)) received on September 8, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7641. A communication from the Acting Deputy Assistant Secretary for Policy and Economic Development, Department of the Interior, transmitting, pursuant to law, a proposed plan for use and distribution of the Pueblo de San Ildefonso judgment funds; to the Committee on Indian Affairs.

EC–7642. The communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, the report of proposed legislation relative to enhancing the Federal government's ability to prosecute individuals who seek and receive military-type training in support of terrorism; to the Committee on the Judiciary.

EC–7643. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, the report of proposed legislation entitled ''Nuclear Terrorism Conventions Implementation Act of 2008''; to the Committee on the Judiciary.

EC–7644. A communication from the Deputy Assistant Administrator of the Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Control of a Chemical Precursor Used in the Illicit Manufacture of Fentanyl as a List I Chemical'' (RIN1117–AB12) received on September 8, 2008; to the Committee on the Judiciary.

EC–7645. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, (2) reports relative to vacancy announcements for the position of Assistant Secretary received on September 8, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–7646. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''The American Dream Belongs to Everyone: A Report to Congress, the President, and the National Council on Disability''; to the Committee on Health, Education, Labor, and Pensions.

EC–7647. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Prescription Drug User Fee Act of 1992 (PDUFA) for fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–7648. A communication from the Deputy Assistant Secretary, Office of Labor-Management Standards, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Guidelines for Processing Applications for Assistance to Conform to Sections 3013(h) and 3031 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act—A Legacy for Users and to Improve Processing for Administrative Efficiency'' received on September 8, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–7649. A communication from the Executive Director, Consumer Product Safety Commission, transmitting, pursuant to law, a report entitled ''2008 Annual FAIR Act Inventory Summary''; to the Committee on Homeland Security and Governmental Affairs.

EC–7650. A communication from General Counsel, Department of Commerce, transmitting the report of a draft bill intended 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 Homeland Security and Governmental Affairs.

EC–7651. A communication from the Director for Acquisition Management and Procurement Executive, Department of Commerce, transmitting, pursuant to law, a report relative to the annual progress of the Department; to the Committee on Homeland Security and Governmental Affairs.

EC–7652. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–485, ''Workforce Housing Production Program Temporary Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7653. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–484, ''Adams Morgan Taxicab Zone Temporary Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7654. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–477, ''Student Voter Registration Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7655. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–476, ''Injured Fire Fighter Relief Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7656. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–475, ''Tenant Opportunity to Purchase Notification Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7657. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–474, ''Closing of a Public Alley in Square 700, S.O. 07–9626, Act of 2008'' received on September 8, 2008 ; to the Committee on Homeland Security and Governmental Affairs.

EC–7658. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–472, ''Taxation Without Representation Federal Tax Pay-Out Message Board Installation Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7659. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–483, ''Heat Wave Safety Temporary Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7660. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-482, ''Expanding Opportunities for Street Vending Around the Baseball Stadium Clarifying Temporary Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7661. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-481, ''Tingey Street, S.E. Right-of-Way Temporary Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7662. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-480, ''Recreation Enterprise Fund Temporary Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7663. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-479, ''Director of the Office of Public Education Facilities Modernization Allen Lew Compensation System Change and Pay Schedule Temporary Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7664. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-478, ''Abatement of Nuisance Properties and Tenant Receivership Temporary Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7665. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-486, ''Special Events Swimming Exception Temporary Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7666. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-493, ''Animal Protection Amendment Act of 2008'' received on September 9, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7667. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-494, ''Tenant-Owner Voting in Conversion Election Clarification Amendment Act of 2008'' received on September 9, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7668. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-495, ''Department of Transportation Establishment Amendment Act of 2008'' received on September 9, 2008 ; to the Committee on Homeland Security and Governmental Affairs.

EC–7669. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-498, ''Youth Council of the District of Columbia Establishment Act of 2008'' received on September 9, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7670. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-499, ''Southwest Waterfront Bond Financing Act of 2008'' received on September 9, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7671. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-500, ''Center Leg Freeway (Interstate 395) Amendment Act of 2008'' received on September 9, 2008; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 1070. A bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes (Rept. No. 110–470).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

H.R. 3247. A bill to improve the provision of disaster assistance for Hurricanes Katrina and Rita, and for other purposes (Rept. No. 110–471).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 3155. A bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes (Rept. No. 110–472).

By Mr. AKAKA, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 2969. A bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical healthcare professionals, and for other purposes (Rept. No. 110–473).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 540. A resolution 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.

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 3136. A bill to encourage the entry of felony warrants into the NCIC database by States and provide additional resources for extradition.

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. MENENDEZ:

S. 3514. A bill to amend the Immigration and Nationality Act to promote family unity and for other purposes; to the Committee on the Judiciary.

By Mr. WHITEHOUSE:

S. 3515. A bill to establish 4 regional institutes as centers of excellence for research, planning, and related efforts to assess and prepare for the impacts of climate change on ocean and coastal areas; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 3516. A bill to permit commercial vehicles at weights up to 129,000 pounds to use certain highways of the Interstate System in the State of Idaho which would provide significant savings in the transportation of goods throughout the United States, and for other purposes; to the Committee on Environment and Public Works.

By Ms. SNOWE (for herself, Mr. HARKIN, Mr. INOUYE, and Mr. FEINGOLD):

S. 3517. A bill to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to provide parity under group health plans and group health insurance coverage for the provision of benefits for prosthetic devices and components and benefits for other medical and surgical services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself and Mr. CRAPO):

S. 3518. A bill to amend the Internal Revenue Code of 1986 to modify the limitations on the deduction of interest by financial institutions which hold tax-exempt bonds, and for other purposes; to the Committee on Finance.

By Mr. DURBIN (for himself, Mrs. FEINSTEIN, Mrs. MCCASKILL, and Mr. WYDEN):

S. 3519. A bill to amend the Animal Welfare Act to provide further protection for puppies; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. CLINTON (for herself, Mr. VOINOVICH, and Mr. BROWN):

S. 3520. A bill to establish a grant program for automated external defibrillators in elementary and secondary schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COCHRAN:

S. 3521. A bill to designate the facility of the United States Postal Service located at 95 Dogwood Street in Cary, Mississippi, as the ''Spencer Byrd Powers Jr. Post Office''; to the Committee on Homeland Security and Governmental Affairs.

By Ms. SNOWE:

S. 3522. A bill to establish a Federal Board of Certification to enhance the transparency, credibility, and stability of financial markets, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ENZI:

S. 3523. A bill to provide 8 steps for energy sufficiency, and for other purposes; to the Committee on Finance.

By Mr. REID (for Mr. BIDEN):

S. 3524. A bill to improve the Office for State and Local Law Enforcement, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

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; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REID (for Mr. BIDEN (for himself, Mr. GRASSLEY, Mr. GRAHAM, Mrs. FEINSTEIN, and Mr. LUGAR)):

S. 3526. A bill to enhance drug trafficking interdiction by creating a Federal felony relating to operating or embarking in a submersible or semi-submersible vessel without nationality and on an international voyage; read the first time.

By Mr. AKAKA (for himself, Ms. SNOWE, Mr. FEINGOLD, Ms. LANDRIEU, Mr. JOHNSON, Ms. MURKOWSKI, Mr. THUNE, Mr. STEVENS, and Mr. ROCKEFELLER):

S. 3527. A bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for himself, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Ms. CANTWELL, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. KERRY, Mr. LIEBERMAN, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. REID, Mr. ROCKEFELLER, Mr. SALAZAR, Ms. STABENOW, Mr. WYDEN, Mr. BURR, Mr. DOMENICI, Mr. ENSIGN, Mr. HAGEL, and Mr. LUGAR):

S. Res. 665. A resolution designating October 3, 2008, as ''National Alternative Fuel Vehicle Day''; to the Committee on the Judiciary.

By Mr. ROBERTS (for himself, Mr. SALAZAR, Ms. COLLINS, Mr. LUGAR, Mrs. DOLE, Mr. SPECTER, Mr. COLEMAN, Mr. VOINOVICH, Mr. INHOFE, Mr. HAGEL, Mr. SMITH, Ms. SNOWE, Mr. MENENDEZ, Mr. BYRD, Ms. STABENOW, Mr. BINGAMAN, Mr. WYDEN, Mr. NELSON of Nebraska, Mrs. BOXER, Mr. WHITEHOUSE, Mr. CASEY, Mr. BAYH, Mr. LEVIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. KERRY, Mr. HARKIN, Mrs. LINCOLN, Mr. DURBIN, and Mr. NELSON of Florida):

S. Res. 666. A resolution recognizing and honoring the 50th anniversary of the founding of AARP; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. SCHUMER, Mr. CHAMBLISS, Mrs. CLINTON, Mr. INOUYE, Mr. VITTER, Ms. COLLINS, Ms. SNOWE, Mrs. DOLE, Mrs. BOXER, Mr. GRASSLEY, Mr. SHELBY, Mr. LIEBERMAN, Mr. INHOFE, Ms. LANDRIEU, Mr. STEVENS, Mr. DOMENICI, Mr. CRAPO, Mr. BAYH, Mr. BARRASSO, Ms. STABENOW, Mr. BUNNING, Mr. FEINGOLD, Mr. WHITEHOUSE, Mr. KERRY, Mr. SPECTER, Mr. DODD, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. BROWNBACK, Mr. WARNER, Mr. CARDIN, Mr. BAUCUS, Mrs. LINCOLN, Mr. LEVIN, Mr. HATCH, Mr. MENENDEZ, Mr. CASEY, Mr. JOHNSON, Mr. BENNETT, Mr. DORGAN, Mr. ISAKSON, and Mr. WYDEN):

S. Res. 667. A resolution designating September 2008 as ''National Prostate Cancer Awareness Month''; considered and agreed to.

By Mr. KERRY:

S. Res. 668. A resolution to commend the American Sail Training Association for its advancement of character building under sail and for its advancement of international goodwill; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 400

At the request of Mr. SUNUNU, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 519

At the request of Mr. MCCAIN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 519, a bill to modernize and expand the reporting requirements relating to child pornography, to expand cooperation in combating child pornography, and for other purposes.

S. 584

At the request of Mrs. LINCOLN, the name of the Senator from New York

(Mrs. CLINTON) was added as a cosponsor of S. 584, a bill to amend the Internal Revenue Code of 1986 to modify the rehabilitation credit and the low-income housing credit.

S. 777

At the request of Mr. CRAIG, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 777, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 826

At the request of Mr. MENENDEZ, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Washington (Mrs. MURRAY) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors 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. 860

At the request of Mr. SMITH, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 860, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 871

At the request of Mr. LIEBERMAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 871, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

S. 1069

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1069, a bill to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss.

S. 1232

At the request of Mr. DODD, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Pennsylvania (Mr. CASEY), the Senator from South Dakota (Mr. THUNE) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors 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. 1235

At the request of Mr. CORNYN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1235, a bill to impose appropriate penalties for the assault or murder of a Federal law enforcement officer or Federal judge, for the retaliatory assault or murder of a family member of a Federal law enforcement officer or Federal judge, and for other purposes.

S. 1492

At the request of Mr. INOUYE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1492, a bill to improve the quality of federal and state data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation.

S. 1738

At the request of Mr. REID, the names of the Senator from Montana (Mr. TESTER), the Senator from Arkansas (Mr. PRYOR), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Tennessee (Mr. ALEXANDER) 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. 1810

At the request of Mr. BROWNBACK, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1810, a bill 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.

S. 1895

At the request of Mr. REED, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1906

At the request of Mr. BAUCUS, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1906, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 2059

At the request of Mrs. CLINTON, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2320

At the request of Mr. DURBIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2320, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. 2510

At the request of Mr. ISAKSON, the name of the Senator from Alabama (Mr. SESSIONS) 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. 2668

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2794

At the request of Mr. KOHL, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2794, a bill to protect older Americans from misleading and fraudulent marketing practices, with the goal of increasing retirement security.

S. 2883

At the request of Mr. ROCKEFELLER, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Maine (Ms. COLLINS), the Senator from North Carolina (Mrs. DOLE), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 2883, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 2932

At the request of Mrs. MURRAY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2932, a bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

S. 3038

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. HATCH) was withdrawn as a cosponsor of S. 3038, a bill to amend part E of title IV of the Social Security Act to extend the adoption incentives program, to authorize States to establish a relative guardianship program, to promote the adoption of children with special needs, and for other purposes.

At the request of Mr. GRASSLEY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3038, supra.

S. 3046

At the request of Mr. BROWNBACK, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 3046, a bill to amend the Federal Food, Drug, and Cosmetic Act to create a new conditional approval system for drugs, biological products, and devices that is responsive to the needs of seriously ill patients, and for other purposes.

S. 3198

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 3198, a bill to amend title 46, United States Code, with respect to the navigation of submersible or semi-submersible vessels without nationality.

S. 3300

At the request of Mr. GRASSLEY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 3300, a bill to amend title XVIII of the Social Security Act to provide for temporary improvements to the Medicare inpatient hospital payment adjustment for low-volume hospitals and to provide for the use of the non-wage adjusted PPS rate under the Medicare-dependent hospital (MDH) program, and for other purposes.

S. 3325

At the request of Mr. SPECTER, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 3325, a bill to enhance remedies for violations of intellectual property laws, and for other purposes.

S. 3356

At the request of Mr. CHAMBLISS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3356, a bill to require the Secretary of the Treasury to mint coins in commemoration of the legacy of the United States Army Infantry and the establishment of the National Infantry Museum and Soldier Center.

S. 3389

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3389, a bill to require, for the benefit of shareholders, the disclosure of payments to foreign governments for the extraction of natural resources, to allow such shareholders more appropriately to determine associated risks.

S. 3416

At the request of Mr. LAUTENBERG, the names of the Senator from California (Mrs. BOXER), the Senator from Minnesota (Mr. COLEMAN), the Senator from Illinois (Mr. DURBIN), the Senator from Massachusetts (Mr. KERRY) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors 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. 3429

At the request of Mr. SCHUMER, the names of the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 3429, a bill to amend the Internal Revenue Code to provide for an increased mileage rate for charitable deductions.

S. 3456

At the request of Mr. ROBERTS, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 3456, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry ''Hap'' Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 3468

At the request of Mr. SCHUMER, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 3468, a bill to amend title XVIII of the Social Security Act to continue the ability of hospitals to supply a needed workforce of nurses and allied health professionals by preserving funding for hospital operated nursing and allied health education programs.

S. 3484

At the request of Mr. SPECTER, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Minnesota (Mr. COLEMAN), the Senator from Florida (Mr. NELSON), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Washington (Ms. CANTWELL) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 3484, a bill to provide for a delay in the phase out of the hospice budget neutrality adjustment factor under title XVIII of the Social Security Act.

S. 3495

At the request of Mrs. BOXER, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 3495, a bill to protect pregnant women and children from dangerous lead exposures.

S. 3503

At the request of Mr. DORGAN, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 3503, a bill to amend the Public Health Service Act to authorize increased Federal funding for the Organ Procurement and Transplantation Network.

S. 3507

At the request of Mr. REED, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Oregon (Mr. SMITH) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 3507, a bill to provide for additional emergency unemployment compensation.

S. 3511

At the request of Mrs. CLINTON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3511, a bill to direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes.

S. 3513

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 3513, a bill to direct the Administrator of the Environmental Protection Agency to revise regulations relating to lead-based paint hazards, lead-contaminated dust, and lead-contaminated soil, and for other purposes.

S. RES. 660

At the request of Mr. NELSON of Florida, the name of the Senator from New Mexico (Mr. BINGAMAN) 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.

S. RES. 661

At the request of Mr. DODD, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Res. 661, a resolution supporting the goals and ideals of National Spina Bifida Awareness Month.

S. RES. 662

At the request of Mr. REID, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 3516. A bill to permit commercial vehicles at weights up to 129,000 pounds to use certain highways of the Interstate System in the State of Idaho which would provide significant savings in the transportation of goods throughout the United States, and for other purposes; to the Committee on Environment and Public Works.

Mr. CRAIG. Mr. President, I come to the floor today to introduce the Idaho Efficient Vehicle Demonstration Act of 2008. I am pleased that my colleague, Senator CRAPO, is fully supportive and an original cosponsor of this bill, and that an identical bill will be introduced today in the House of Representatives by our colleagues, Representatives MIKE SIMPSON and BILL SALI.

This is a bill that is very important to the State of Idaho. It is a bill that will improve the efficiency of freight movement within the State, provide significant economic benefits to a variety of local natural resource-based industries, and establish a record attesting to the safety of heavier, more efficient vehicles.

The State of Idaho has long recognized the need to provide a more productive means of freight transport. In light of that, the Idaho State Legislature created a pilot project in 2003 to allow vehicle combinations weighing up to 129,000 pounds on designated routes within the State highway system. As a result of this pilot project, Idaho has realized significant economic benefits and has established a strong record of safety while utilizing more efficient vehicles.

Idaho's sugar beet, potato, grain, dairy and phosphate industries reported that participation in the pilot project resulted in reduced fuel consumption and equipment maintenance and increased productivity based on estimates of five to eight percent savings in freight costs. Amalgamated Sugar Company reported 30,000 fewer truck trips, resulting in an estimated savings of just under $300,000.

This pilot project has been in effect for 5 years and no safety concerns have been raised by the participants or by the Idaho Transportation Department in their initial report last year. In fact, survey responses from pilot project participants found that safety was the same or greater due to the reduced numbers of trucks on the road. Similarly, the pilot project has not been found to create a significant change in pavement conditions when compared to previous years.

In light of this 5-year record, I believe it is appropriate and necessary to make a very small, targeted expansion of this project by adding limited stretches of Federal highway to the existing State pilot project to help connect our State and Federal roads so that the movement of goods can proceed more efficiently in the future.

This small expansion is necessary for several reasons. Idaho's neighboring States of Montana, Nevada, Utah and Wyoming do not have such stringent limits on their Federal highways due to grandfathered rights. This puts Idaho at a distinct competitive disadvantage and slows the free flow of freight between neighboring States. This bill would help to even that disparity in weight restrictions among our neighbors. It will also provide valuable data and information to the U.S. Department of Transportation as to the net beneficial effects to our infrastructure by requiring that road, bridge and accident information is gathered and reported.

This bill has the strong support of Idaho Governor Butch Otter, the Idaho Transportation Department, and the business community, including both shippers and motor carriers. The Idaho Trucking Association has specifically endorsed this proposal as have numerous shipper companies that are based in my home State.

I recognize that there are significant challenges facing the freight industry and, by association, our natural resource-based industries that rely heavily on trucks to move their freight. Changes in truck emission requirements, a seemingly perpetual driver shortage, sustained high fuel costs, and increasing insurance premiums are only a few of the challenges that face truck companies and struggling industries in Idaho. With that said, this is one step that can be taken to relieve some of the burden on our freight industry, and do so in a safe, economic and environmentally friendly fashion.

If enacted, this bill will improve safety by reducing the number of trucks on Idaho roads. It will have a positive environmental impact by reducing diesel consumption and emissions. It will provide an economic boost to the State by reducing wear and tear on Idaho highways and improving the competitiveness of our natural resource industries.

In light of the enormous task of reauthorizing our Nation's surface transportation policy next year, it is important that proposals of this nature be allowed time to be discussed and vetted at length. Ultimately, it is my hope that we might be able to make some targeted changes to Federal weight restrictions in order to achieve significant environmental and economic gains while still keeping the highest regard for safety.

I look forward to working with my colleagues in the Senate to move forward this important issue.

By Ms. SNOWE (for herself, Mr. HARKIN, Mr. INOUYE, and Mr. FEINGOLD):

S. 3517. A bill to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to provide parity under group health plans and group health insurance coverage for the provision of benefits for prosthetic devices and components and benefits for other medical and surgical services; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Today I rise with Senator TOM HARKIN of Iowa to introduce bipartisan legislation aimed at reducing disability in our Nation. As the Congress moves this week to ensure the strength of the landmark Americans with Disabilities Act, we must continue to work to ensure that every American has the means to overcome physical impairment. I am honored to be joined today by Senator HARKIN—who has long championed the ADA—as well as Senators DANIEL INOUYE, and RUSS FEINGOLD—as we act to ensure that those with group health insurance are able to access needed prosthetic care in order to lead full and independent lives.

This year over 130,000 individuals will undergo amputation procedures, often as a complication of diabetes or other chronic disease. For such individuals an appropriate prosthetic limb reduces disability and allows them to maintain employment and lead more productive lives.

Today many amputees receive prosthetics through their coverage by the VA, Medicare, Medicaid, or S–CHIP. Yet too often individuals without such coverage find that their private plan requires copayments for a needed prosthetic which they simply cannot afford, or imposes a ''lifetime cap'' which prevents them from replacing an existing prosthetic when needed.

So with an estimated two million individuals living with limb differences or loss in the United States, the impact of severely-restricted prosthetic coverage can be devastating. This is even more so for the estimated 70,000 amputees under the age of 18. Sadly, we see those children particularly affected as their growth increases the frequency with which a prosthetic requires replacement. That can quickly exceed a parent's ability to meet copayment requirements—a coverage cap may deny access to a replacement prosthetic.

So it is easy to see why 11 States—including my own State of Maine—have enacted legislation to assure reasonable coverage of prosthetics, and why more than half of the States are now examining parity for prosthetics. Studies in different States have reported that the imposition of parity can be expected to raise monthly health plan premiums by approximately 12 to 50 cents a month. That low cost helps keep amputees productive, and avoids shifting health costs to public programs—simply because the needed prosthetic could not be obtained, and the individual saw their function and productivity decline until they had to rely on public assistance.

That is so unnecessary and inappropriate. The legislation which we are introducing today—the Prosthetics Parity Act of 2008—will ensure that group health plans treat coverage of such prosthetic devices on par with other essential medical care covered by health insurance. It does not mandate coverage, but it does assure than when it is offered, it is not so restricted or capped that it does not assure an amputee of the prosthetic they require.

As we move forward to ensure greater opportunity and accommodation for Americans with disabilities, it is so timely that we ensure the appropriate access to prosthetics to help reduce disability. I call on my colleagues to join us in supporting this legislation to further the vision of greater opportunity for those with disabilities.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3517

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 ''Prosthetics Parity Act of 2008''.

SEC. 2. FINDINGS AND PURPOSE.

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

(1) There are more than 1,800,000 people in the United States living with limb loss.

(2) Every year, there are more than 130,000 people in the United States who undergo amputation procedures.

(3) In addition, United States military personnel serving in Iraq and Afghanistan and around the world have sustained traumatic injuries resulting in amputation.

(4) The number of amputations in the United States is projected to increase in the years ahead due to the rising incidence of diabetes and other chronic illness.

(5) Those suffering from limb loss can and want to regain their lives as productive members of society.

(6) Prosthetic devices enable amputees to continue working and living productive lives.

(7) Insurance companies have begun to limit reimbursement of prosthetic equipment costs to unrealistic levels or not at all and often restrict coverage over an individual's lifetime, which shifts costs onto the Medicare and Medicaid programs.

(8) Eleven States have addressed this problem and have prosthetic parity legislation.

(9) Prosthetic parity legislation has been introduced and is being actively considered in 30 States.

(10) The States in which prosthetic parity laws have been enacted have found there to be minimal or no increases in insurance premiums and have reduced Medicare and Medicaid costs.

(11) Prosthetic parity legislation will not add to the size of government or to the costs associated with the Medicare and Medicaid programs.

(12) If coverage for prosthetic devices and components are offered by a group health insurance policy, then providing such coverage of prosthetic devices on par with other medical and surgical benefits will not increase the incidence of amputations or the number of individuals for which a prosthetic device would be medically necessary and appropriate.

(13) In States where prosthetic parity legislation has been enacted, amputees are able to return to a productive life, State funds have been saved, and the health insurance industry has continued to prosper.

(14) Prosthetic services allow people to return more quickly to their preexisting work.

(b) PURPOSE.—It is te purpose of this Act to require that each group health plan that provides both coverage for prosthetic devices and components and medical and surgical benefits, provide such coverage under terms and conditions that are no less favorable that the terms and conditions under which such benefits are provided for other benefits under such plan.

SEC. 3. PROSTHETICS PARITY.

(a) ERISA.—

(1) 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. PROSTHETICS PARITY.

''(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with a group health plan) that provides both medical and surgical benefits for prosthetic devices and components (as defined under subsection (d)(1))—

''(1) such benefits for prosthetic devices and components under the plan (or coverage) shall be provided under terms and conditions that are no less favorable than the terms and conditions applicable to substantially all medical and surgical benefits provided under the plan (or coverage);

''(2) such benefits for prosthetic devices and components under the plan (or coverage) may not be subject to separate financial requirements (as defined in subsection (d)(2)) that are applicable only with respect to such benefits, and any financial requirements applicable to such benefits shall be no more restrictive than the financial requirements applicable to substantially all medical and surgical benefits provided under the plan (or coverage); and

''(3) any treatment limitations (as defined in subsection (d)(3)) applicable to such benefits for prosthetic devices and components under the plan (or coverage) may not be more restrictive than the treatment limitations applicable to substantially all medical and surgical benefits provided under the plan (or coverage).

''(b) IN NETWORK AND OUT-OF-NETWORK STANDARDS.—

''(1) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with a group health plan) that provides both medical and surgical benefits and benefits for prosthetic devices and components, and that provides both in-network benefits for prosthetic devices and components and out-of-network benefits for prosthetic devices and components, the requirements of this section shall apply separately with respect to benefits under the plan (or coverage) on an in-network basis and benefits provided under the plan (or coverage) on an out-of-network basis.

''(2) CLARIFICATION.—Nothing in paragraph (1) shall be construed as requiring that a group health plan (or health insurance coverage offered in connection with a group health plan) eliminate an out-of-network provider option from such plan (or coverage) pursuant to the terms of the plan (or coverage).

''(c) ADDITIONAL REQUIREMENTS.—

''(1) PRIOR AUTHORIZATION.—In the case of a group health plan (or health insurance coverage offered in connection with a group health plan) that requires, as a condition of coverage or payment for prosthetic devices and components under the plan (or coverage), prior authorization, such prior authorization must be required in the same manner as prior authorization is required by the plan (or coverage) as a condition of coverage or payment for all similar benefits provided under the plan (or coverage).

''(2) LIMITATION ON MANDATED BENEFITS.—Coverage for required benefits for prosthetic devices and components under this section shall be limited to coverage of the most appropriate device or component model that adequately meets the medical requirements of the patient, as determined by the treating physician of the patient involved.

''(3) COVERAGE FOR REPAIR OR REPLACEMENT.—Benefits for prosthetic devices and components required under this section shall include coverage for the repair or replacement of prosthetic devices and components, if the repair or replacement is determined appropriate by the treating physician of the patient involved.

''(4) ANNUAL OR LIFETIME DOLLAR LIMITATIONS.—A group health plan (or health insurance coverage offered in connection with a group health plan) shall not impose any annual or lifetime dollar limitation on benefits for prosthetic devices and components required to be covered under this section unless such limitation applies in the aggregate to all medical and surgical benefits provided under the plan (or coverage) and benefits for prosthetic devices components.

''(d) DEFINITIONS.—In this section:

''(1) PROSTHETIC DEVICES AND COMPONENTS.—The term 'prosthetic devices and components' means those devices and components that may be used to replace, in whole or in part, an arm or leg, as well as the services required to do so and includes external breast prostheses incident to mastectomy resulting from breast cancer.

''(2) FINANCIAL REQUIREMENTS.—The term 'financial requirements' includes deductibles, coinsurance, co-payments, other cost sharing, and limitations on the total amount that may be paid by a participant or beneficiary with respect to benefits under the plan or health insurance coverage and also includes the application of annual and lifetime limits.

''(3) TREATMENT LIMITATIONS.—The term 'treatment limitations' includes limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.''.

(2) 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. Prosthetics parity.''.

(b) PHSA.—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. PROSTHETICS PARITY.

''(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with a group health plan) that provides both medical and surgical benefits for prosthetic devices and components (as defined under subsection (d)(1))—

''(1) such benefits for prosthetic devices and components under the plan (or coverage) shall be provided under terms and conditions that are no less favorable than the terms and conditions applicable to substantially all medical and surgical benefits provided under the plan (or coverage);

''(2) such benefits for prosthetic devices and components under the plan (or coverage) may not be subject to separate financial requirements (as defined in subsection (d)(2)) that are applicable only with respect to such benefits, and any financial requirements applicable to such benefits shall be no more restrictive than the financial requirements applicable to substantially all medical and surgical benefits provided under the plan (or coverage); and

''(3) any treatment limitations (as defined in subsection (d)(3)) applicable to such benefits for prosthetic devices and components under the plan (or coverage) may not be more restrictive than the treatment limitations applicable to substantially all medical and surgical benefits provided under the plan (or coverage).

''(b) IN NETWORK AND OUT-OF-NETWORK STANDARDS.—

''(1) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with a group health plan) that provides both medical and surgical benefits and benefits for prosthetic devices and components, and that provides both in-network benefits for prosthetic devices and components and out-of-network benefits for prosthetic devices and components, the requirements of this section shall apply separately with respect to benefits under the plan (or coverage) on an in-network basis and benefits provided under the plan (or coverage) on an out-of-network basis.

''(2) CLARIFICATION.—Nothing in paragraph (1) shall be construed as requiring that a group health plan (or health insurance coverage offered in connection with a group health plan) eliminate an out-of-network provider option from such plan (or coverage) pursuant to the terms of the plan (or coverage).

''(c) ADDITIONAL REQUIREMENTS.—

''(1) PRIOR AUTHORIZATION.—In the case of a group health plan (or health insurance coverage offered in connection with a group health plan) that requires, as a condition of coverage or payment for prosthetic devices

and components under the plan (or coverage), prior authorization, such prior authorization must be required in the same manner as prior authorization is required by the plan (or coverage) as a condition of coverage or payment for all similar benefits provided under the plan (or coverage).

''(2) LIMITATION ON MANDATED BENEFITS.—Coverage for required benefits for prosthetic devices and components under this section shall be limited to coverage of the most appropriate device or component model that adequately meets the medical requirements of the patient, as determined by the treating physician of the patient involved.

''(3) COVERAGE FOR REPAIR OR REPLACEMENT.—Benefits for prosthetic devices and components required under this section shall include coverage for the repair or replacement of prosthetic devices and components, if the repair or replacement is determined appropriate by the treating physician of the patient involved.

''(4) ANNUAL OR LIFETIME DOLLAR LIMITATIONS.—A group health plan (or health insurance coverage offered in connection with a group health plan) shall not impose any annual or lifetime dollar limitation on benefits for prosthetic devices and components required to be covered under this section unless such limitation applies in the aggregate to all medical and surgical benefits provided under the plan (or coverage) and benefits for prosthetic devices components.

''(d) DEFINITIONS.—In this section:

''(1) PROSTHETIC DEVICES AND COMPONENTS.—The term 'prosthetic devices and components' means those devices and components that may be used to replace, in whole or in part, an arm or leg, as well as the services required to do so and includes external breast prostheses incident to mastectomy resulting from breast cancer.

''(2) FINANCIAL REQUIREMENTS.—The term 'financial requirements' includes deductibles, coinsurance, co-payments, other cost sharing, and limitations on the total amount that may be paid by an enrollee with respect to benefits under the plan or health insurance coverage and also includes the application of annual and lifetime limits.

''(3) TREATMENT LIMITATIONS.—The term 'treatment limitations' includes limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to group health plans (and health insurance coverage offered in connection with group health plans) for plan years beginning on or after the date of the enactment of this Act.

SEC. 4. FEDERAL ADMINISTRATIVE RESPONSIBILITIES.

(a) ASSISTANCE TO ENROLLEES.—The Secretary of Labor, in consultation with the Secretary of Health and Human Services, shall provide assistance to enrollees under plans or coverage to which the amendment made by section 3 apply with any questions or problems with respect to compliance with the requirements of such amendment.

(b) AUDITS.—The Secretary of Labor, in consultation with the Secretary of Health and Human Services, shall provide for the conduct of random audits of group health plans (and health insurance coverage offered in connection with such plans) to ensure that such plans (or coverage) are in compliance with the amendments made by section (3).

(c) GAO STUDY.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study that evaluates the effect of the implementation of the amendments made by this Act on the cost of the health insurance coverage, on access to health insurance coverage (including the availability of in-network providers), on the quality of health care, on benefits and coverage for prosthetics devices and components, on any additional cost or savings to group health plans, on State prosthetic devices and components benefit mandate laws, on the business community and the Federal Government, and on other issues as determined appropriate by the Comptroller General.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall prepare and submit to the appropriate committee of Congress a report containing the results of the study conducted under paragraph (1).

(d) REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Labor, in consultation with the Secretary of Health and Human Services, shall promulgate final regulations to carry out this Act and the amendments made by this Act.

By Mr. BINGAMAN (for himself and Mr. CRAPO):

S. 3518. A bill to amend the Internal Revenue Code of 1986 to modify the limitations on the deduction of interest by financial institutions which hold tax-exempt bonds, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, one of the credit crunch's most unfair—but least-discussed—impacts is its severe curtailment of municipalities' ability to raise capital for critical infrastructure projects. Because municipalities did not engage in the financial ''innovation'' that led to this situation, they are merely innocent bystanders swept up in a national crisis. Congress must take swift action to mitigate the credit crunch's impact on U.S. municipalities. To do so, I rise today to introduce the Municipal Bond Market Support Act of 2008. By relaxing outdated restrictions that prevent banks from acquiring municipal debt, the Act will significantly enhance demand for municipal bonds, thus aiding municipalities across the Nation—particularly those in small and rural communities—in financing essential infrastructure projects. I thank my friend from Idaho, Mr. CRAPO, a colleague on the Finance Committee, for joining me in introducing this bipartisan legislation.

Federal policy has long recognized the critical role of municipal bonds in enabling communities to undertake critical investments. But the liquidity crisis has dried up available capital for bonds, both municipal and corporate, at a time when the municipal bond market is already reeling from other setbacks. The auction-rate security market's collapse, which forced municipal issuers to refinance or convert more than $80 billion of their total $166 billion in such securities, has already cost municipalities more than $1 billion, thus pushing new municipal bond issuance out of reach for many municipalities. Meanwhile, when the Nation's two largest bond insurers were downgraded earlier this year, the underlying municipal bonds saw a corresponding downgrade—a penalty for merely being ''wrapped'' in the downgraded firm's insurance.

Taken together, these forces have driven yields on benchmark, 30-year tax-exempt debt to their highest levels since July 2004. These high rates have dramatically increased costs for municipalities facing interest payments on outstanding floating-rate municipal bonds, while making it more costly for municipalities to issue new debt. In the first half of 2008, long-term municipal issuance dropped 4.1 percent over the prior year, and a further drop is predicted in the second half; for new issuances, the interest costs have vastly increased. Given the credit crunch's severity, full recovery is probably a long way off. The timing could not be less opportune—the financial slowdown will cause municipal budget deficits to balloon, just when the need for infrastructure enhancements could not be more apparent.

Our bill, which largely mirrors a companion already introduced in the House by Chairman FRANK and Chairman NEAL of the House Ways and Means Select Revenue Measures Subcommittee, would stimulate demand—and therefore lower borrowing costs for issuing municipalities—by relaxing restrictions on banks' ability to participate in the municipal bond market.

To understand the proposed changes, it is useful to briefly review the tax code's current rules regarding banks' holding of municipal debt. Prior to 1986, banks were generally permitted to deduct the full interest costs they incurred unless a borrowing was incurred or continued to purchase or hold such bonds. Consequently, banks made up a significant share of the demand for municipal debt. But the 1986 tax reform eliminated this deduction for banks by requiring a pro-rata interest expense disallowance, with a limited ''qualified small issuer'' exception that permits banks to deduct 80 percent of the cost of purchasing and carrying bonds of governmental entities that issue $10 million or less in municipal bonds in any calendar year. This exception was added because small issuers' infrequent and small borrowing amounts make it too costly for them to sell debt in the national capital markets, leaving private placements with local banks the most feasible and cost-effective alternative.

To increase demand for municipal debt, the bill makes two modifications to these limitations. First, it would raise the bank qualified limit for small issuers from $10 million to $30 million, and then index the new limit for inflation. Municipalities that issue between $10 million and $30 million will thus be able to raise capital through private placements. Because private placements generally carry no underwriting fees and require no offering document, the up-front issuing costs to municipalities are far lower than issuing debt on the public markets. More critically, interest payments are far lower: Interest on such ''bank qualified'' debt averages 40 basis points, 0.40 percent, less than interest on nonbank qualified debt.

Failing to raise the bank-qualified level from the amount set in 1986 has real consequences for American communities. For instance, many small hospitals and healthcare facilities, even in small population States, cannot take advantage of today's small-issuer exception because they borrow through statewide authorities that issue bonds on behalf of multiple institutions, thereby exceeding the $10 million limit. In my home state, the New Mexico Hospital Equipment Loan Council tells me that if the $10 million limit had instead been $30 million, then many hospitals in our state's rural communities would have been able to secure funding to acquire additional hospital equipment, among them, Sierra Vista Hospital in Truth or Consequences; the Prairie Meadows assisted living facility in Clovis; and the Las Cruces Mental Health Center in Las Cruces. For each of these entities, the prospective borrower was instead forced to seek alternative, higher-cost capital options—or could not secure funding to complete the transaction.

As another example, the City of Las Cruces would benefit from this bill. The city has had five debt issues in the last 5 years that exceeded $10 million. The financial advisor under contract to the City estimates that the difference in rates, with a higher limit on bank qualified debt, would be about 20 basis points—a savings that would be passed on to the taxpayers and rate payers in our community.

Second, as concerns municipalities that issue more than $30 million in debt annually, the bill would allow financial institutions to hold up to 2 percent of their total assets in such debt, without disallowing a proportional amount of their interest expense deduction. This change is intended to restore bank demand and provide some stability by bringing this group of institutional investors back into the municipal market. Nonfinancial companies already benefit from this safe harbor, so in this regard, the bill creates parity. Many larger municipal infrastructure projects have costs in excess of $30 million, and bank investment can only help these critical projects succeed.

Finally, it bears mentioning that this bill offers at least two collateral benefits. First, enabling local governments to undertake additional infrastructure investments will help to stimulate our challenged economy. Second, by enabling banks to acquire municipal bonds—the safest class of security—the bill will enhance the stability of banks at a time that they face considerable financial pressure.

I am pleased that this bill has been endorsed by a number of organizations, including the National League of Cities; U.S. Conference of Mayors; National Association of Counties; Government Finance Officers Association; International City/County Management Association; National Association of State Auditors, Comptrollers and Treasurers; National Association of State Treasurers; Council of Infrastructure Financing Authorities; Education Finance Council; and National Association of Health and Educational Facilities Finance Authorities.

I hope my colleagues will join with Senator CRAPO and me in working to enhance liquidity in the municipal bond market. Our bill will go a long way toward ensuring that our cities, towns, counties, utility districts, and school districts can secure affordable financing to undertake the infrastructure projects that our communities sorely need.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3518

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 ''Municipal Bond Market Support Act of 2008''.

SEC. 2. MODIFICATION OF SMALL ISSUER EXCEPTION TO TAX-EXEMPT INTEREST EXPENSE ALLOCATION RULES FOR FINANCIAL INSTITUTIONS.

(a) INCREASE IN LIMITATION.—Subparagraphs (C)(i), (D)(i), and (D)(iii)(II) of section 265(b)(3) of the Internal Revenue Code of 1986 are each amended by striking ''$10,000,000'' and inserting ''$30,000,000''.

(b) REPEAL OF AGGREGATION RULES APPLICABLE TO SMALL ISSUER DETERMINATION.—Paragraph (3) of section 265(b) of such Code is amended by striking subparagraphs (E) and (F).

(c) ELECTION TO APPLY LIMITATION AT BORROWER LEVEL.—Paragraph (3) of section 265(b) of such Code, as amended by subsection (b), is amended by adding at the end the following new subparagraph:

''(E) ELECTION TO APPLY LIMITATION ON AMOUNT OF OBLIGATIONS AT BORROWER LEVEL.—

''(i) IN GENERAL.—An issuer, the proceeds of the obligations of which are to be used to make or finance eligible loans, may elect to apply subparagraphs (C) and (D) by treating each borrower as the issuer of a separate issue.

''(ii) ELIGIBLE LOAN.—For purposes of this subparagraph—

''(I) IN GENERAL.—The term 'eligible loan' means one or more loans to a qualified borrower the proceeds of which are used by the borrower and the outstanding balance of which in the aggregate does not exceed $30,000,000.

''(II) QUALIFIED BORROWER.—The term 'qualified borrower' means a borrower which is an organization described in section 501(c)(3) and exempt from taxation under section 501(a) or a State or political subdivision thereof.

''(iii) MANNER OF ELECTION.—The election described in clause (i) may be made by an issuer for any calendar year at any time prior to its first issuance during such year of obligations the proceeds of which will be used to make or finance one or more eligible loans.''.

(d) INFLATION ADJUSTMENT.—Paragraph (3) of section 265(b) of such Code, as amended by subsections (b) and (c), is amended by adding at the end the following new subparagraph:

''(F) INFLATION ADJUSTMENT.—In the case of any calendar year after 2009, the $30,000,000 amounts contained in subparagraphs (C)(i), (D)(i), (D)(iii)(II), and (E)(ii)(I) shall each be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2008' 'for calendar year 1992' in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $100,000.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2008.

SEC. 3. DE MINIMIS SAFE HARBOR EXCEPTION FOR TAX-EXEMPT INTEREST EXPENSE OF FINANCIAL INSTITUTIONS AND BROKERS.

(a) FINANCIAL INSTITUTIONS.—Subsection (b) of section 265 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(7) DE MINIMIS EXCEPTION.—Paragraph (1) shall not apply to any financial institution if the portion of the taxpayer's holdings of tax-exempt securities is less than 2 percent of the taxpayer's assets.''.

(b) BROKERS.—Subsection (a) of section 265 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(7) DE MINIMIS EXCEPTION.—Paragraph (2) shall not apply to any broker (as defined in section 6045(c)(1)) if the portion of the taxpayer's holdings of tax-exempt securities is less than 2 percent of the taxpayer's assets.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. DURBIN (for himself, Mrs. FEINSTEIN, Mrs. MCCASKILL, and Mr. WYDEN):

S. 3519. A bill to amend the Animal Welfare Act to provide further protection for puppies; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. Mr. President, today I am introducing the Puppy Uniform Protection and Safety Act, or PUPS Act.

In recent years, media reports have highlighted the cruel treatment of dogs raised by irresponsible breeders in large-scale commercial operations. The facilities operated by the most negligent owners are often referred to as puppy mills, because they churn out dogs the way a factory would—with little or no respect for the animals' quality of life.

Let me be clear, there are many responsible dog breeders across the country who care about and take great pains to properly look after the animals in their care. Those breeders are not the target of this legislation.

Unfortunately, the less scrupulous ''puppy mills'' threaten the reputation of the entire industry. The dogs bred or raised in puppy mills are often housed in cramped, dirty, wire cages. To maximize profit, a breeder may stack cages on top of each other or keep the cages outdoors where dogs are exposed to the elements. The dogs may never be given a chance to exercise or even walk on solid ground. Some animals rescued from puppy mills show signs of malnutrition and dehydration, having been denied a sufficient supply of food and

water. Puppies raised in these settings don't always have regular veterinary, and the breeding females are made to have litter after litter of puppies.

Not surprisingly, this treatment has an effect on the physical and mental health of the animals raised in these facilities.

Veterinarians in Illinois have shared with me heartbreaking tales of families who unknowingly purchased dogs that had been raised in puppy mills. Those dogs turn out to have serious health and behavioral problems. By the time these conditions are diagnosed, the families have welcomed the new puppy into the family and developed a strong emotional attachment. In some cases, the puppies could be treated, but often at great expense to their new owners. These families face very difficult decisions.

Today, people can go on-line and research puppies available for purchase with the simple click of a mouse. You can't blame people for using the convenience of shopping online, but some puppy mill operators advertise on the internet so that they can bypass the pet store. That way, the breeder can avoid the Federal licensing requirements of the Animal Welfare Act, which apply only to wholesale breeders. That means that finding your puppy on-line may well increase the chance that you'll be buying from a puppy mill.

The PUPS Act I am introducing today, along with Senators FEINSTEIN, MCCASKILL, and WYDEN, would amend the Animal Welfare Act to require that breeders obtain a license from the USDA if they raise more than 50 dogs in a 12-month period and sell directly to the public.

These licenses are inexpensive and the application process is simple. But USDA licensing would allow the agency to ensure that large and mid-level breeders comply with minimum Federal standards. The PUPS Act also requires all commercial breeders to give dogs in their care at least two daily exercise breaks, allowing the dogs to enjoy at least 60 minutes outside of their crates or enclosures.

The good news is that the public is growing more aware of the existence of puppy mills. Recent investigations of the deplorable conditions at several large puppy mills along with the interest shown by celebrities, including Chicago resident Oprah Winfrey, have brought new attention to the cause. As a result, many Americans seeking companion animals are doing their homework. They are choosing to adopt from local shelters or finding and visiting responsible breeders. It is my hope that extending and improving oversight of this industry through the PUPS Act will help Americans feel confident about the health and well-being of the dog that they welcome into their family.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3519

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 ''Puppy Uniform Protection and Safety Act''.

SEC. 2. REGULATION OF HIGH-VOLUME SELLERS OF PUPPIES.

(a) RETAIL PET STORE DEFINED.—Section 2 of the Animal Welfare Act (7 U.S.C. 2132) is amended by adding at the end the following new subsection:

''(p) The term 'retail pet store' means a person that—

''(1) sells an animal directly to the public for use as a pet; and

''(2) does not breed or raise more than 50 dogs for use as pets during any one-year period.''.

(b) LICENSES.—Section 3 of the Animal Welfare Act (7 U.S.C. 2133) is amended in the second proviso—

(1) by striking ''retail pet store or other person who'' and inserting ''retail pet store, or other person who (1) does not breed or raise more than 50 dogs for use as pets during any one-year period, and (2)''; and

(2) by striking ''research facility'' and inserting ''research facility,''.

(c) HUMANE STANDARDS.—Section 13 of the Animal Welfare Act (7 U.S.C. 2143) is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively;

(2) by redesignating the second subsection (f) as subsection (g); and

(3) by adding at the end the following new subsection:

''(j)(1) Subject to paragraph (2), a dealer shall provide each dog held by such dealer that is of the age of 12 weeks or older with a minimum of two exercise periods during each day for a total of not less than one hour of exercise during such day. Such exercise shall include removing the dog from the dog's primary enclosure and allowing the dog to walk for the entire exercise period, but shall not include use of a treadmill, catmill, jenny mill, slat mill, or similar device, unless prescribed by a doctor of veterinary medicine.

''(2) Paragraph (1) shall not apply to a dog certified by a doctor of veterinary medicine, on a form designated by and submitted to the Secretary, as being medically precluded from exercise.''.

SEC. 3. EFFECT ON STATE LAW.

The amendments made by this Act shall not be construed to preempt any law or regulation of a State or a political subdivision of a State containing requirements that are greater than the requirements of the amendments made by this Act.

By Ms. SNOWE:

S. 3522. A bill to establish a Federal Board of Certification to enhance the transparency, credibility, and stability of financial markets, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Ms. SNOWE. Mr. President, I rise today to offer legislation that will increase the trustworthiness of our Nation's mortgage security market by creating the Federal Board of Certification for mortgage securities.

The recent collapse of Lehman Brothers, and the Federal Reserve's bailout of American International Group, Fannie Mae, Freddie Mac and Bear Stearns, along the huge losses suffered throughout the financial industry, demonstrates a catastrophic failure to accurately assess the dangers of imprudently made subprime mortgages to the American public and our financial markets. In hindsight, it appears that it was the inability to gauge risk in mortgage-backed securities that caused much of this financial turmoil. For markets to operate properly, it is imperative that they have effective metrics for calculating the level of risk securities pose to investors.

The secondary mortgage market has been a largely unregulated playground where poorly underwritten, low-quality loans were sold as high-quality investment products. Although mortgage backed securities can be a positive market force, which increases the available pool of credit for borrowers, without an accurate picture of the risk involved in each mortgage security, buyers have no idea whether they are buying a high-risk investment or a safe, secure investment. My legislation would work to curb the excesses of the secondary market, combat future attempts at deception, and protect investors by making scrutinized mortgage investments more reliable and trustworthy.

The inability of major corporations to properly assess the risk of the mortgage securities they were trading is a problem whose effects have not been confined to Wall Street. To put it simply: when big banks sneeze, the rest of America gets a cold. By 2009, more than a trillion dollars of the subprime mortgages originated during the housing boom will reset to higher interest rates. Currently, according to the Mortgage Bankers Association, 43 percent of subprime adjustable rate mortgages are already in foreclosure. In my home State of Maine, we are struggling with falling home prices and a record number of foreclosures. Some Maine borrowers, with rising monthly payments, are unable to refinance out of their predatory loans. Small business owners, many already hurt by the economic downturn, are also finding credit tight. The bad economic climate caused by the subprime credit crunch is roiling the stock market causing Americans to loose billions in their IRAs and retirement funds.

We need to fix this crisis before it gets any worse and make sure it never happens again. Francis Bacon said that ''knowledge is power.'' My bill would give investors the knowledge to make intelligent calculations of risk and as a result, it would give them the power to decide how much risk they could collectively handle.

Turning to specifics, my bill creates the Federal Board of Certification, which would certify that the mortgages within a security instrument meet the underlying standards they claim in regards to documentation, loan to value ratios, debt service to income ratios, and borrowers' credit

standards. The purpose of the certification process is to increase the transparency, predictability, and reliability of securitized mortgage products. Certification would aid in creating settled investor expectations and increase transparency by ensuring that the mortgages within a mortgage security conform to the claims made by the mortgage product's sellers.

The proposed Federal Board of Certification would not override any current regulations and would not, in any way, stifle any attempts by private business to rate mortgage securities. This legislation would, however, create incentives for improving industry rating practices. Open publication of the Board's certification criteria would augment the efforts of private ratings agencies by providing incentives for increased transparency in the ratings process. The Board's certification would also serve as a check on the industry to ensure that ratings agencies carefully scrutinize the content of mortgage products before issuing evaluations of mortgage backed securities.

Significantly, the Federal Board of Certification would also be voluntary and funded by an excise tax. Users could choose to pay the costs for the Board to rate their security, or they could elect not to submit their product to the Board.

We must quickly restore confidence in the U.S. mortgage securities if we are to stabilize our housing markets and enable families to refinance their expensive loans. To do this, we must certify the quality and content of our mortgage securities and enable those markets working again to create liquidity and lending. This is why it is urgent to create the Federal Board of Certification for mortgage securities. This legislation would create a ''good housekeeping seal of approval'' for the mortgage security industry and certify that the mortgage products are in fact what they claim to be. Accordingly, I call on Congress to take up and pass this common-sense amendment as expeditiously as possible.

I encourage my colleagues to strongly support the creation of the Federal Board of Certification. This legislation will restore trust in U.S. financial markets and mortgage securities which will help American businesses and ultimately, most crucially, American families.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3522

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 Board of Certification Act of 2008''.

SEC. 2. PURPOSE.

It is the purpose of this Act to establish a Federal Board of Certification, which shall certify that the mortgages within a security instrument meet the underlying standards they claim to meet with regards to mortgage characteristics including but not limited to: documentation, loan to value ratios, debt service to income ratios, and borrower credit standards and geographic concentration. The purpose of this certification process is to increase the transparency, predictability and reliability of securitized mortgage products.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term ''Board'' means the Federal Board of Certification established under this Act;

(2) the term ''mortgage security'' means an investment instrument that represents ownership of an undivided interest in a group of mortgages;

(3) the term ''insured depository institution'' has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1803); and

(4) the term ''Federal financial institutions regulatory agency'' has the same meaning as in section 1003 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3302).

SEC. 4. VOLUNTARY PARTICIPATION.

Market participants, including firms that package mortgage loans into mortgage securities, may elect to have their mortgage securities evaluated by the Board.

SEC. 5. STANDARDS.

The Board is authorized to promulgate regulations establishing enumerated security standards which the Board shall use to certify mortgage securities. The Board shall promulgate standards which shall certify that the mortgages within a security instrument meet the underlying standards they claim to meet with regards to documentation, loan to value ratios, debt service to income rations and borrower credit standards. The standards should protect settled investor expectations, and increase the transparency, predictability and reliability of securitized mortgage products.

SEC. 6. COMPOSITION.

(a) ESTABLISHMENT; COMPOSITION.—There is established the Federal Board of Certification, which shall consist of—

(1) the Comptroller of the Currency;

(2) the Secretary of Housing and Urban Development;

(3) a Governor of the Board of Governors of the Federal Reserve System designated by the Chairman of the Board;

(4) the Undersecretary of the Treasury for Domestic Finance; and

(5) the Chairman of the Securities and Exchange Commission.

(b) CHAIRPERSON.—The members of the Board shall select the first chairperson of the Board. Thereafter the position of chairperson shall rotate among the members of the Board.

(c) TERM OF OFFICE.—The term of each chairperson of the Board shall be 2 years.

(d) DESIGNATION OF OFFICERS AND EMPLOYEES.—The members of the Board may, from time to time, designate other officers or employees of their respective agencies to carry out their duties on the Board.

(e) COMPENSATION AND EXPENSES.—Each member of the Board shall serve without additional compensation, but shall be entitled to reasonable expenses incurred in carrying out official duties as such a member.

SEC. 7. EXPENSES.

The costs and expenses of the Board, including the salaries of its employees, shall be paid for by excise fees collected from applicants for security certification from the Board, according to fee scales set by the Board.

SEC. 8. BOARD RESPONSIBILITIES.

(a) ESTABLISHMENT OF PRINCIPLES AND STANDARDS.—The Board shall establish, by rule, uniform principles and standards and report forms for the regular examination of mortgage securities.

(b) DEVELOPMENT OF UNIFORM REPORTING SYSTEM.—The Board shall develop uniform reporting systems for use by the Board in ascertaining mortgage security risk. The Board shall assess, and publicly publish, how it evaluates and certifies the composition of mortgage securities.

(c) AFFECT ON FEDERAL REGULATORY AGENCY RESEARCH AND DEVELOPMENT OF NEW FINANCIAL INSTITUTIONS SUPERVISORY AGENCIES.—Nothing in this Act shall be construed to limit or discourage Federal regulatory agency research and development of new financial institutions supervisory methods and tools, nor to preclude the field testing of any innovation devised by any Federal regulatory agency.

(d) ANNUAL REPORT.—Not later than April 1 of each year, the Board shall prepare and submit to Congress an annual report covering its activities during the preceding year.

(e) REPORTING SCHEDULE.—The Board shall determine whether it wants to evaluate mortgage securities at issuance, on a regular basis, or upon request.

SEC. 9. BOARD AUTHORITY.

(a) AUTHORITY OF CHAIRPERSON.—The chairperson of the Board is authorized to carry out and to delegate the authority to carry out the internal administration of the Board, including the appointment and supervision of employees and the distribution of business among members, employees, and administrative units.

(b) USE OF PERSONNEL, SERVICES, AND FACILITIES OF FEDERAL FINANCIAL INSTITUTIONS REGULATORY AGENCIES, AND FEDERAL RESERVE BANKS.—In addition to any other authority conferred upon it by this Act, in carrying out its functions under this Act, the Board may utilize, with their consent and to the extent practical, the personnel, services, and facilities of the Federal financial institutions regulatory agencies, and Federal Reserve banks, with or without reimbursement therefor.

(c) COMPENSATION, AUTHORITY, AND DUTIES OF OFFICERS AND EMPLOYEES; EXPERTS AND CONSULTANTS.—The Board may—

(1) subject to the provisions of title 5, United States Code, relating to the competitive service, classification, and General Schedule pay rates, appoint and fix the compensation of such officers and employees as are necessary to carry out the provisions of this Act, and to prescribe the authority and duties of such officers and employees; and

(2) obtain the services of such experts and consultants as are necessary to carry out this Act.

SEC. 10. BOARD ACCESS TO INFORMATION.

For the purpose of carrying out this Act, the Board shall have access to all books, accounts, records, reports, files, memorandums, papers, things, and property belonging to or in use by Federal financial institutions regulatory agencies, including reports of examination of financial institutions, their holding companies, or mortgage lending entities from whatever source, together with work papers and correspondence files related to such reports, whether or not a part of the report, and all without any deletions.

SEC. 11. REGULATORY REVIEW.

(a) IN GENERAL.—Not less frequently than once every 10 years, the Board shall conduct a review of all regulations prescribed by the Board, in order to identify outdated or otherwise unnecessary regulatory requirements imposed on insured depository institutions.

(b) PROCESS.—In conducting the review under subsection (a), the Board shall—

(1) categorize the regulations described in subsection (a) by type; and

(2) at regular intervals, provide notice and solicit public comment on a particular category or categories of regulations, requesting commentators to identify areas of the regulations that are outdated, unnecessary, or unduly burdensome.

(c) COMPLETE REVIEW.—The Board shall ensure that the notice and comment period described in subsection (b)(2) is conducted with respect to all regulations described in subsection (a), not less frequently than once every 10 years.

(d) REGULATORY RESPONSE.—The Board shall—

(1) publish in the Federal Register a summary of the comments received under this section, identifying significant issues raised and providing comment on such issues; and

(2) eliminate unnecessary regulations to the extent that such action is appropriate.

(e) REPORT TO CONGRESS.—Not later than 30 days after carrying out subsection (d)(1) of this section, the Board shall submit to the Congress a report, which shall include a summary of any significant issues raised by public comments received by the Board under this section and the relative merits of such issues.

SEC. 12. LIABILITY.

Any publication, transmission, or webpage containing an advertisement for or invitation to buy a mortgage security shall include the following notice, in conspicuous type: ''Certification by the Federal Board of Certification can in no way be considered a guarantee of the mortgage security. Certification is merely a judgment by the Federal Board of Certification of the degree of risk offered by the security in question. The Federal Board of Certification is not liable for any actions taken in reliance on such judgment of risk.''.

By Mr. ENZI:

S. 3523. A bill to provide 8 steps for energy sufficiency, and for other purposes; to the Committee on Finance.

Mr. ENZI. Mr. President, when I was home over the August recess, I traveled over 6,000 miles across Wyoming. I visited dozens of different cities in my home State, all of which have a variety of concerns and needs. I found, however, one common theme throughout every town and in every meeting I took. That theme was the need to do something about the high cost of energy.

High energy prices are hurting everyone, but they are especially impacting the people of Wyoming. People in Wyoming are often forced to commute long distances to get to work. Some have to drive miles for groceries and general services that are common in larger cities. We need to do something to make America energy sufficient and today I am introducing my plan to make that happen.

My bill is titled Eight Steps to Energy Sufficiency, and it follows a similar model I have used before. It breaks down the deficiencies in our Nation's energy policy into eight separate areas and provides a solution for those eight areas. It is a comprehensive approach, but it is broken down in a way that any one of the steps can be passed on its own merits.

First step—use less energy. The problem that we are facing today is a supply and demand issue. We have too much demand for energy and not enough energy supply. My bill takes the approach that we can use less by aiding in the development of technology that will make vehicles more efficient.

Second step—find more American energy. Traditional energy sources make up 85 percent of our energy portfolio today, and there is no way we can transition to renewable energy over night. Because that is the case, we should be focusing our efforts on developing as much American energy as we can so that we can stop sending money to countries that are not necessarily friendly to the U.S. My bill does this by opening up the Outer Continental Shelf to energy development and ending the senseless ban on oil shale development. These two actions will go a long way toward making America more energy sufficient.

Third step—speed up the process. We can't get refineries built in the U.S., even though we need them and so my bill includes a provision to help streamline the permitting process for refineries. In addition to that, it takes a look at the NEPA process in an effort to see how we can limit senseless litigation that is slowing the production of energy on already leased lands.

Fourth step—innovation. I am a huge believer in American ingenuity. Every year, I hold an inventor's conference because I believe our community of inventors will be key in solving our energy crisis. My bill recognizes this and helps move forward the development of hydrogen technologies. It also studies cellulosic ethanol to determine if we are doing all that we can to help move non-corn based ethanol forward.

The fifth step of my plan deals with incentives. We need to incentivize the production of energy and we need to let people know that the Federal Government is in it for the long haul by providing incentives that last for more than a year. My plan would reauthorize the wind production tax credit for 5 years and it would renew the solar production tax credit for 8 years. It would repeal the Federal Government's theft of States' fair share of mineral royalties so that States would be encouraged to allow for production on their lands. It is important that we help people who are doing their part, and making these important credits available is one way to do just that.

The sixth step of my plan to strengthen America's energy supply deals with our nation's most abundant energy source: coal. Wyoming is the Nation's largest coal producer, and any realistic effort to make America's energy supply more robust has to recognize that coal will play a major role in making that happen. My bill provides funding for research and development to help develop and deploy carbon capture and sequestration technologies. It promotes using coal to make diesel fuel and allows the Air Force to enter into long term fuels contracts so that our military has a secure source of jet fuel.

Nuclear energy must also play a role in making America energy sufficient, and the seventh step of my plan encourages the development of nuclear energy. The bill recognizes the important role Yucca Mountain could play, and it offers up tax credits to help build new nuclear reactors. Wyoming is the Nation's largest producer of uranium, and because nuclear is a clean and efficient energy source, we should be doing all that we can to move it forward.

Finally, the eighth step in my plan involves opening up a small area of Alaska's coastal plain to energy production. By opening up a portion of the Arctic National Wildlife Refuge that is roughly the size of the Natrona County International Airport in Casper, Wyoming, we can produce about a million barrels of American oil each day. The Energy Information Administration recently sent a letter suggesting that the addition of 1 million barrels of oil a day to the market could drop the price as much as $20 dollars per barrel, and we should act on this matter expeditiously.

My bill is an eight step plan. I broke down my ideas for energy sufficiency into eight separate steps with the hope that each piece can be passed by Congress as stand-alone legislation. In Washington, bills that are smaller and more specific are much easier to pass than huge pieces of ''comprehensive'' legislation because those big bills can often gain opposition very quickly, and before you know it they will not pass. Whenever we try to push through big energy packages, nearly every Senator objects to some aspect of it, and that means we are not able get enough people in support of the bill to pass it. By breaking down my plan into sections, we have eight sensible solutions for Congress to consider, and if enacted, any one of them would ease the burden of high prices faced by consumers.

I hope my colleagues will take a look at my package and will work with me to move forward with this important legislation. All summer, I heard about the importance of moving forward with energy legislation, and I believe my approach is the best way to make America energy sufficient.

By Mr. REID (for Mr. BIDEN):

S. 3524. A bill to improve the Office for State and Local Law Enforcement, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. BIDEN. Mr. President, since September 11, 2001, our Nation has taken significant steps to improve our national security. However, to improve our ability to prevent and respond to a future terrorist attack we need to fundamentally change the working relationship between our Federal, State, local, and tribal law enforcement agencies. The Homeland Security and Law

Enforcement Improvements Act of 2008 will do this by making State, local, and tribal law enforcement agencies full partners with Federal agencies in homeland security policymaking and by ensuring that these agencies have the resources they need to prevent and respond to terrorist attacks or other major incidents.

As chairman of the Judiciary Subcommittee on Crime and Drugs, I regularly talk to police chiefs and sheriffs throughout this country. These men and women are on the front lines of protecting our communities from a host of dangers in these difficult times. They know where our vulnerabilities are and what it will take to keep our families and neighborhoods safe, but, to put it simply, we haven't been listening. Policymakers haven't been listening to the people on the ground, leaving a critical gap in homeland security prevention, preparation, and incident response capabilities.

The Homeland Security and Law Enforcement Improvements Act of 2008 makes a number of important improvements to this situation that I believe will strengthen our ability to prevent and, if necessary, effectively respond to a major terrorist incident.

First, the act will ensure that state and local law enforcement agencies are full partners in both crime fighting and homeland security by giving the Assistant Secretary for State and Local Law Enforcement the appropriate budget and program management authority.

Second, the act will ensure that state and local law enforcement agencies have the resources needed to prevent and respond to terrorist acts by fully funding the Law Enforcement Terrorism Prevention Program, LETP, as a separate initiative. The LETPP is the only funding resource in the Department of Homeland Security dedicated solely to meeting the unique needs of law enforcement as they try to protect our communities from terrorism.

Third, the act ensures that first responders in local law enforcement have the resources they need to effectively react to a terrorist incident by establishing the Commercial Equipment Direct Assistance Program, CEDAP, as an authorized program. The CEDAP provides funding that allows law enforcement first responders to identify and select specialized equipment and technology that can help them protect the communities they serve.

Fourth, the act will ensure that we have a swift and coordinated response in the event of a major incident by establishing Law Enforcement Deployment Teams that can react immediately to major incidents throughout the country.

Fifth, the act will create an Information Sharing Resource Center to facilitate information sharing between Federal, State, local, and tribal law enforcement agencies, intelligence officials, and Federal agencies so that every stakeholder has the information necessary to protect our country from terrorist attacks.

Finally, the Act strengthens our ability to prevent and disrupt plans for attacks against America hatched overseas by establishing a Foreign Liaison Officers Against Terrorism, FLOAT, program. FLOAT will allow American state and local law enforcement officers to serve outside the U.S. as liaison officers—working closely with their foreign law enforcement counterparts to share information and gain a better understanding of how terrorists work abroad.

Each of these initiatives: the LETPP, CEDAP, the Law Enforcement Deployment Teams, the Information Sharing Resource Center, and FLOAT will be under the direction and control of the Assistant Secretary, who will report directly to the Secretary of the Department of Homeland Security.

I am honored to introduce this legislation with the support of the U.S. Conference of Mayors, the National Association of Police Organizations, the National Sheriffs Association and other law enforcement groups throughout this country who toil daily to keep us safe from crime and terrorism.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3524

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 ''Homeland Security and Law Enforcement Improvements Act of 2008''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''Department'' means the Department of Homeland Security; and

(2) the term ''Secretary'' means the Secretary of Homeland Security.

SEC. 3. OFFICE FOR STATE AND LOCAL LAW ENFORCEMENT.

Section 2006 of the Homeland Security Act of 2002 (6 U.S.C. 607) is amended by striking subsection (b) and inserting the following:

''(b) OFFICE FOR STATE AND LOCAL LAW ENFORCEMENT.—

''(1) ESTABLISHMENT.—There is established in the Office of the Secretary an Office for State and Local Law Enforcement, which shall be headed by an Assistant Secretary for State and Local Law Enforcement.

''(2) QUALIFICATIONS.—The Assistant Secretary for State and Local Law Enforcement shall have an appropriate background with experience in law enforcement, intelligence, and other antiterrorist functions.

''(3) ASSIGNMENT OF PERSONNEL.—The Secretary may assign to the Office for State and Local Law Enforcement permanent staff and other appropriate personnel detailed from other components of the Department to carry out the responsibilities under this subsection.

''(4) RESPONSIBILITIES.—The Assistant Secretary for State and Local Law Enforcement shall—

''(A) lead the coordination of Department-wide policies relating to the role of State and local law enforcement in preventing, preparing for, protecting against, and responding to natural disasters, acts of terrorism, and other man-made disasters within the United States;

''(B) serve as a liaison between State, local, and tribal law enforcement agencies and the Department;

''(C) work with the Office of Intelligence and Analysis to ensure the intelligence and information sharing requirements of State, local, and tribal law enforcement agencies are being addressed;

''(D) work with the Administrator to ensure that homeland security grants to State, local, and tribal government agencies, including grants under sections 2003 and 2004 and subsection (a) of this section, the Commercial Equipment Direct Assistance Program, and grants to support fusion centers and other law enforcement-oriented programs, are adequately focused on terrorism prevention activities;

''(E) coordinate, in cooperation with the Federal Emergency Management Agency and the Office of Intelligence and Analysis, information sharing and fusion center training, technical assistance, and other information sharing activities to ensure needs of State, local, and tribal law enforcement agencies and fusion centers are being met, including the development of a Law Enforcement Information Sharing Resource Center under paragraph (6);

''(F) carry out, in coordination with the Administrator, the National Law Enforcement Deployment Team Program established under paragraph (5); and

''(G) coordinate with the Federal Emergency Management Agency, the Department of Justice, the National Institute of Justice, law enforcement organizations, and other appropriate entities to support the development, promulgation, and updating, as necessary, of national voluntary consensus standards for training and personal protective equipment to be used in a tactical environment by law enforcement officers.

''(5) NATIONAL LAW ENFORCEMENT DEPLOYMENT TEAM PROGRAM.—

''(A) ESTABLISHMENT.—The Assistant Secretary for State and Local Law Enforcement shall establish a National Law Enforcement Deployment Team Program to develop and implement a series of Law Enforcement Deployment Teams comprised of State and local law enforcement personnel capable of providing immediate support in response to the threat or occurrence of a natural or man-made incident.

''(B) ACTIVITIES.—In carrying out the National Law Enforcement Deployment Team Program, the Assistant Secretary for State and Local Law Enforcement shall—

''(i) consult with State and local law enforcement and public safety agencies and other relevant stakeholders as to the capabilities required by a Law Enforcement Deployment Team;

''(ii) develop and implement a model Law Enforcement Deployment Team located in a region of the Federal Emergency Management Agency selected by the Assistant Secretary;

''(iii) exercise and train the Law Enforcement Deployment Teams;

''(iv) create model policies and procedures, templates, and general policies and procedures and document best practices that can be applied to the development of Law Enforcement Deployment Teams in each region of the Federal Emergency Management Agency;

''(v) develop an implementation strategy to support the development, overall management, equipment, infrastructure, and training needs of a National Law Enforcement Deployment Team Program, including the development of a technical assistance and training program; and

''(vi) not later than 6 months after the date of enactment of the Homeland Security and Law Enforcement Improvements Act of 2008, and before implementation of the National Law Enforcement Deployment Team Program in any region of the Federal Emergency Management Agency other than the region selected under clause (ii), submit to the Committee on Homeland Security and Government Affairs and the Committee on the Judiciary of the Senate and the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives a report on the National Law Enforcement Deployment Team Program, which shall include the implementation strategy described in clause (v).

''(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph—

''(i) $5,000,000 for each of fiscal years 2009 and 2010; and

''(ii) such sums as are necessary for each of fiscal years 2011 through 2015.

''(6) LAW ENFORCEMENT INFORMATION SHARING RESOURCE CENTER.—

''(A) ESTABLISHMENT.—There is established within the Office for State and Local Law Enforcement, the Law Enforcement Information Sharing Resource Center to provide technical assistance relating to information sharing and intelligence with and between State, local, and tribal law enforcement agencies and Federal agencies.

''(B) ACTIVITIES.—In carrying out the Law Enforcement Information Sharing Resource Center, the Assistant Secretary for State and Local Law Enforcement shall—

''(i) develop a single repository within the Department to house all relevant guidance, templates, examples, best practices, data sets, analysis tools, and other fusion center and information sharing related items;

''(ii) consult with State and local law enforcement agencies in the development of the Law Enforcement Information Sharing Resource Center;

''(iii) consolidate access to Department resources within the Law Enforcement Information Sharing Resource Center;

''(iv) provide technical assistance to law enforcement and public safety agencies; and

''(v) coordinate, in coordination with the Federal Emergency Management Agency and the Office of Intelligence and Analysis, intelligence, information sharing, and fusion center related training, technical assistance, exercise, and other services provided to State and local law enforcement and other agencies developing or operating fusion centers and intelligence units.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph—

''(i) $3,000,000 for fiscal year 2009;

''(ii) $3,500,000 for fiscal year 2010; and

''(iii) such sums as are necessary for each of fiscal years 2011 through 2015.

''(7) FOREIGN LIAISON OFFICERS AGAINST TERRORISM PROGRAMS.—

''(A) ESTABLISHMENT.—There is established within the Office of State and Local Law Enforcement, the Foreign Liaison Officers Against Terrorism Program.

''(B) DUTIES.—In carrying out the Foreign Liaison Officers Against Terrorism Program the Assistant Secretary for State and Local Law Enforcement shall—

''(i) identify foreign cities the government of which desires a State, local, or tribal law enforcement agency to assign an officer to the foreign city, to share information with law enforcement agencies of State, local, and tribal governments; and

''(ii) assign each foreign city identified under clause (i) to a law enforcement agency participating in the Foreign Liaison Officers Against Terrorism Program, to—

''(I) obtain information relevant to law enforcement agencies of State, local, and tribal governments from each such city for information sharing purposes; and

''(II) share information obtained under subclause (I) with other law enforcement agencies participating in the Foreign Liaison Officers Against Terrorism Program.

''(C) USE OF GRANT FUNDS.—A grant awarded under section 2003 may be used for the costs of participation in the Foreign Liaison Officers Against Terrorism Program established under subparagraph (A).''.

SEC. 4. LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.

(a) IN GENERAL.—Section 2006(a) of the Homeland Security Act of 2002 (6 U.S.C. 607(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—

''(A) GRANTS.—The Assistant Secretary for State and Local Law Enforcement may make grants to States and local governments for law enforcement terrorism prevention activities.

''(B) PROGRAM.—The Secretary shall maintain the grant program under this subsection as a separate program of the Department.''; and

(2) by adding at the end the following:

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $500,000,000 for each of fiscal years 2009 through 2015, of which not less than 10 percent may be used by the Assistant Secretary for discretionary grants for national best practices and programs of proven effectiveness, including for—

''(A) national, regional and multi-jurisdictional projects;

''(B) development of model programs for replication;

''(C) guidelines and standards for preventing terrorism;

''(D) national demonstration projects that employ innovative or promising approaches; and

''(E) evaluation of programs to ensure the effectiveness of the programs.''.

(b) REPORTING.—The Assistant Secretary for State and Local Law Enforcement of the Department shall submit to Congress and make publicly available an annual report detailing the goals and recommendations for the Nation's terrorism prevention strategy.

SEC. 5. COMMERCIAL EQUIPMENT DIRECT ASSISTANCE PROGRAM.

(a) IN GENERAL.—Title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following:

''Subtitle C—Other Assistance

''SEC. 2041. COMMERCIAL EQUIPMENT DIRECT ASSISTANCE PROGRAM.

''(a) ESTABLISHMENT.—There is established within the Office of State and Local Law Enforcement, the Commercial Equipment Direct Assistance Program (in this section referred to as the 'program') to make counterterrorism technology, equipment, and information available to local law enforcement agencies.

''(b) ACTIVITIES.—In carrying out the program, the Assistant Secretary for State and Local Law Enforcement shall—

''(1) publish a comprehensive list of available technologies, equipment, and information available under the program;

''(2) consult with local law enforcement agencies and other appropriate individuals and entities, as determined by the Assistant Secretary for State and Local Law Enforcement;

''(3) accept applications from the heads of State and local law enforcement agencies that wish to acquire technologies, equipment, or information under the program to improve the homeland security capabilities of those agencies; and

''(4) transfer the approved technology, equipment, or information and provide the appropriate training to the State or local law enforcement agency to implement such technology, equipment, or information.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $75,000,000 for each of fiscal years 2009 and 2010; and

''(2) such sums as are necessary for each of fiscal years 2011 through 2015.''.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

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; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CARDIN. Mr. President, I rise today to introduce the Star-Spangled Banner Bicentennial Commemorative Coin Act. I am pleased that my colleague, the senior Senator from Maryland, is a cosponsor. This legislation will honor our National Anthem and the Battle for Baltimore, which was a key turning point of the War of 1812, by creating a commemorative U.S. Mint coin.

The War of 1812 confirmed American independence from Great Britain in the eyes of the world. Before the war, the British has been routinely imposing on American sovereignty. They had impressed American merchant seamen into the British Royal Navy, enforced illegal and unfair trade rules with the United States, and allegedly offered assistance to American Indian tribes which were attaching frontier settlements. In response,, the United States declared war on Great Britain on June 18, 1812, to protest these violations of ''free trade and sailors rights,'' as well as the violations on land.

After 2½ years of conflict, the British Royal Navy sailed up the Chesapeake Bay with combined military and naval forces, and in August 1814 attacked Washington, DC, burning to the ground the U.S. Capitol, the White House, and much of the rest of the capital city. However, the American defenders stopped the British as they attempted to capture Baltimore and New Orleans.

As the British Royal Navy sailed up the Patapsco River on its way to Baltimore, American forces held the British fleet at Fort McHenry, located just outside of the city. After 25 hours of bombardment, the British failed to take the Fort and were forced to depart. American lawyer Francis Scott Key, who was being held on board an American flag-of-truce vessel, beheld by the dawn's early light an American flag still flying atop Fort McHenry. He immortalized the event in a song which later became known as ''The Star-Spangled Banner.''

The flag to which Key referred was a 30′ x 42′ foot flag made specifically for Fort McHenry. The commanding officer desired a flag so large that the

British would have no trouble seeing it from a distance. This proved to be the case as Key visited the British fleet on September 7, 1814, to secure the release of Dr. William Beanes, Dr. Beanes was released, but Key and Beanes were detained on an American Flag-of-truce vessel until the end of the bombardment. It was on September 14, 1814, by the dawn's early light, that Key saw the great banner that inspired him to write the song that ultimately became our National Anthem.

The Star-Spangled Banner Bicentennial Commemorative Coin will honor this symbol of our Nation and our National Anthem. The coin will be minted in 2012 in coordination with the 200th Anniversary of the War of 1812. I hope my colleagues will join me in supporting this measure in this fitting tribute to a seminal event in American history.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3525

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 ''Star-Spangled Banner Bicentennial Commemorative Coin Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) During the War of 1812, on September 7, 1814, Francis Scott Key visited the British fleet in the Chesapeake Bay to secure the release of Dr. William Beanes, who had been captured after the burning of Washington, DC.

(2) The release was completed, but Key was held by the British during the shelling of Fort McHenry, one of the forts defending Baltimore.

(3) On the morning of September 14, 1814, Key peered through clearing smoke to see an enormous American flag flying proudly after a 25-hour British bombardment of Fort McHenry.

(4) He was so delighted to see the flag still flying over the fort that he began a song to commemorate the occasion, with a note that it should be sung to the popular British melody ''To Anacreon in Heaven''.

(5) In 1916, President Woodrow Wilson ordered that it be played at military and naval occasions.

(6) In 1931, the ''Star-Spangled Banner'' became our National Anthem.

SEC. 3. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—The Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall mint and issue not more than 350,000 $1 coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the battle for Baltimore that formed the basis for the ''Star-Spangled Banner''.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year ''2012''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Maryland War of 1812 Bicentennial Commission and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only one facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins under this Act only during the calendar year beginning on January 1, 2012.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7 with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins issued under this Act shall include a surcharge of $10 per coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be paid to the Maryland War of 1812 Bicentennial Commission for the purpose of supporting bicentennial activities, educational outreach activities (including supporting scholarly research and the development of exhibits), and preservation and improvement activities pertaining to the sites and structures relating to the War of 1812.

(c) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the Maryland War of 1812 Bicentennial Commission as may be related to the expenditures of amounts paid under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

By Mr. AKAKA (for himself, Ms. SNOWE, Mr. FEINGOLD, Ms. LANDRIEU, Mr. JOHNSON, Ms. MURKOWSKI, Mr. THUNE, Mr. STEVENS and Mr. ROCKEFELLER):

S. 3527. A bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I am introducing legislation that would secure more timely health care funding for the millions of veterans who rely on the Veterans Health Administration for their health care.

I am pleased to be joined by Senators SNOWE, FEINGOLD, LANDRIEU, JOHNSON, MURKOWSKI, STEVENS, and THUNE in introducing this important bill.

Not all Americans realize that VA's health care system is the largest in the Nation.

They do know, to be sure, that many veterans are injured while serving our country and, unfortunately, some of these injuries require a lifetime of care. Millions of veterans rely on VA for health care every year, and every year that number grows.

Few Americans realize that the VA health care system must rely on an annual appropriation. While Congress has provided much-needed funding increases to veterans' health care in recent years, VA health care funding can be untimely and unpredictable, making it difficult for VA to manage its overall health care program effectively.

A survey recently commissioned by the Disabled American Veterans found that 83 percent of respondents favor requiring Congress to determine the budget for veterans' health care a year in advance. This bill would do just that.

During my time on the Veterans' Affairs Committee, I have heard former Secretaries of Veterans Affairs state plainly that the current process is no way to fund the Nation's largest health care system. We need to provide a more secure and predictable funding system for veterans health care. Our legislation will do exactly that.

This legislation would require that veterans' health care be funded through the advance appropriations process. Under that process, programs are funded 2 years in advance, rather than a year at a time.

Unlike the funding provided to Medicare and Medicaid, veterans' health care would not be funded as an entitlement—Congress would still be able to review and manage the funding, as necessary. But with advance appropriations, VA would be able to plan more efficiently, and better use taxpayer-dollars to care for veterans.

Uncertain and untimely funding can limit VA health care's effectiveness, while they strive to meet the needs of veterans on a daily basis, as costs grow rapidly.

What I am proposing today is not new. Congress already uses advance appropriations for programs that require funding in a timely manner, such as HUD Section 8 housing vouchers and the Low Income Heating Energy Assistance Program.

To this extent, I submit that veterans' health care is just as deserving of secured and predictable funding.

To increase transparency in this process, the bill I am introducing would require an annual GAO audit and public report to Congress on VA's funding forecasts.

This process of continuous open review of VA appropriations would help VA funds go even further for veterans and taxpayers.

Advance funding for veterans' health care has the strong support of the Partnership for Veterans Health Care Budget Reform, a coalition which includes the following veteran service organizations: AMVETS, Blinded Veterans Association, Disabled American Veterans, Jewish War Veterans, Military Order of the Purple Heart, Paralyzed Veterans of America, The American Legion, Veterans of Foreign Wars, and Vietnam Veterans of America.

My friend and counterpart in the House of Representatives, House Veterans' Affairs Committee Chairman ROBERT FILNER, is introducing a companion bill for advance funding as well.

We are united in our determination to set down a marker for future action on veterans' health care through this bill, and place advance appropriations for veterans' health care on the National agenda.

I urge all of our colleagues to join as supporters of more secure, timely funding for veterans' health care.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3527

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 ''Veterans Health Care Budget Reform Act of 2008''.

SEC. 2. TWO-FISCAL YEAR BUDGET AUTHORITY FOR CERTAIN MEDICAL CARE ACCOUNTS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) TWO-FISCAL YEAR BUDGET AUTHORITY.—

(1) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 113 the following new section:

''§ 113A. Two-fiscal year budget authority for certain medical care accounts

''(a) IN GENERAL.—Beginning with fiscal year 2010, new discretionary budget authority provided in an appropriations Act for the appropriations accounts of the Department specified in subsection (b) shall be made available for the fiscal year involved and shall include new discretionary budget authority first available after the end of such fiscal year for the subsequent fiscal year.

''(b) MEDICAL CARE ACCOUNTS.—The medical care accounts of the Department specified in this subsection are the medical care accounts of the Veterans Health Administration as follows:

''(1) Medical Services.

''(2) Medical Administration.

''(3) Medical Facilities.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by inserting after the item relating to section 113 the following new item:

''113A. Two-fiscal year budget authority for certain medical care accounts.''.

SEC. 3. COMPTROLLER GENERAL OF THE UNITED STATES STUDY ON ADEQUACY AND ACCURACY OF BASELINE MODEL PROJECTIONS OF THE DEPARTMENT OF VETERANS AFFAIRS FOR HEALTH CARE EXPENDITURES.

(a) STUDY OF ADEQUACY AND ACCURACY OF BASELINE MODEL PROJECTIONS.—The Comptroller General of the United States shall conduct a study of the adequacy and accuracy of the budget projections made by the Enrollee Health Care Projection Model, or its equivalent, as utilized for the purpose of estimating and projecting health care expenditures of the Department of Veterans Affairs (in this section referred to as the ''Model'') with respect to the fiscal year involved and the subsequent four fiscal years.

(b) REPORTS.—

(1) IN GENERAL.—Not later than the date of each year in 2010, 2011, and 2012, on which the President submits the budget request for the next fiscal year under section 1105 of title 31, United States Code, the Comptroller General shall submit to the appropriate committees of Congress and to the Secretary a report.

(2) ELEMENTS.—Each report under this paragraph shall include, for the fiscal year beginning in the year in which such report is submitted, the following:

(A) A statement whether the amount requested in the budget of the President for expenditures of the Department for health care in such fiscal year is consistent with anticipated expenditures of the Department for health care in such fiscal year as determined utilizing the Model.

(B) The basis for such statement.

(C) Such additional information as the Comptroller General determines appropriate.

(3) AVAILABILITY TO THE PUBLIC.—Each report submitted under this subsection shall also be made available to the public.

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committees on Veterans' Affairs, Appropriations, and the Budget of the Senate; and

(B) the Committees on Veterans' Affairs, Appropriations, and the Budget of the House of Representatives.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 665—DESIGNATING OCTOBER 3, 2008, AS ''NATURAL ALTERNATIVE FUEL VEHICLE DAY''

Mr. BYRD (for himself, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Ms. CANTWELL, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. KERRY, Mr. LIEBERMAN, Mr. NELSON, of Nebraska, Mr. PRYOR, Mr. REID, Mr. ROCKEFELLER, Mr. SALAZAR, Ms. STABENOW, Mr. WYDEN, Mr. BURR, Mr. DOMENICI, Mr. ENSIGN, Mr. HAGEL, and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 665

Whereas the United States should reduce the dependence of the Nation on foreign oil and enhance the energy security of the Nation by creating a transportation sector that is less dependent on oil;

Whereas the United States should improve the air quality of the Nation by reducing emissions from the millions of motor vehicles that operate in the United States;

Whereas the United States should foster national expertise and technological advancement in cleaner, more energy-efficient alternative fuel and advanced technology vehicles;

Whereas a robust domestic industry for alternative fuels and alternative fuel and advanced technology vehicles will create jobs and increase the competitiveness of the United States in the international community;

Whereas the people of the United States need more options for clean and energy-efficient transportation;

Whereas the mainstream adoption of alternative fuel and advanced technology vehicles will produce benefits at the local, national, and international levels;

Whereas consumers and businesses require a better understanding of the benefits of alternative fuel and advanced technology vehicles;

Whereas first responders require proper and comprehensive training to become fully prepared for any precautionary measures that they may need to take during incidents and extrications that involve alternative fuel and advanced technology vehicles;

Whereas the Federal Government can lead the way toward a cleaner and more efficient transportation sector by choosing alternative fuel and advanced technology vehicles for the fleets of the Federal Government; and

Whereas Federal support for the adoption of alternative fuel and advanced technology vehicles can accelerate greater energy independence for the United States, improve the environmental security of the Nation, and address global climate change: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 3, 2008, as ''National Alternative Fuel Vehicle Day'';

(2) proclaims National Alternative Fuel Vehicle Day as a day to promote programs and activities that will lead to the greater use of cleaner, more efficient transportation that uses new sources of energy; and

(3) urges Americans—

(A) to increase the personal and commercial use of cleaner and energy-efficient alternative fuel and advanced technology vehicles;

(B) to promote public sector adoption of cleaner and energy-efficient alternative fuel and advanced technology vehicles; and

(C) to encourage the enactment of Federal policies to reduce the dependence of the United States on foreign oil through the advancement and adoption of alternative, advanced, and emerging vehicle and fuel technologies.

SENATE RESOLUTION 666—RECOGNIZING AND HONORING THE 50TH ANNIVERSARY OF THE FOUNDING OF AARP

Mr. ROBERTS (for himself, Mr. SALAZAR, Ms. COLLINS, Mr. LUGAR, Mrs.

DOLE, Mr. SPECTER, Mr. COLEMAN, Mr. VOINOVICH, Mr. INHOFE, Mr. HAGEL, Mr. SMITH, Ms. SNOWE, Mr. MENENDEZ, Mr. BYRD, Ms. STABENOW, Mr. BINGAMAN, Mr. WYDEN, Mr. NELSON, of Nebraska, Mrs. BOXER, Mr. WHITEHOUSE, Mr. CASEY, Mr. BAYH, Mr. LEVIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. KERRY, Mr. HARKIN, Mrs. LINCOLN, Mr. DURBIN, and Mr. NELSON of Florida) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 666

Whereas AARP is a nonprofit, nonpartisan organization with more than 40,000,000 members that is dedicated to improving the quality of life of people who are 50 years of age or older;

Whereas Ethel Percy Andrus, a retired educator from California, founded AARP in 1958 to promote independence, dignity, and purpose for older people in the United States and to encourage current and future generations ''to serve, not to be served'';

Whereas the vision of AARP is ''a society in which everyone ages with dignity and purpose and in which AARP helps people fulfill their goals and dreams'';

Whereas the mission of AARP is to enhance the quality of life of all people as they age, to promote positive social change, and to deliver value to its members through information, advocacy, and service;

Whereas the nonpartisan advocacy activities of AARP help millions of people participate in the legislative, judicial, and administrative processes of the United States;

Whereas AARP is a trusted source of reliable information on health, financial security, and other issues important to people 50 years of age and older;

Whereas AARP provides an opportunity for volunteerism and service so that its millions of members can better their families, communities, and the Nation;

Whereas AARP Services has become a leader in the marketplace by influencing companies to offer new and better services for the members of AARP;

Whereas AARP Foundation, the philanthropic arm of AARP, delivers information, education, and direct service programs to the most vulnerable people in the United States aged 50 and over;

Whereas the job placement program of AARP Foundation has helped more than 400,000 low-income older people in the United States find jobs, contributing to their sense of purpose and dignity;

Whereas the Driver Safety Program of AARP has helped more than 10,000,000 older drivers sharpen their driving skills;

Whereas 2008 is the 50th anniversary of the founding of AARP; and

Whereas, in honor of its 50th anniversary, AARP renewed its commitment to improving the quality of life for all older people in the United States and helping people of all generations fulfill their goals and dreams: Now, therefore, be it

Resolved, That the Senate—

(1) commends AARP for 50 years of outstanding service to people aged 50 and older; and

(2) recognizes AARP's commitment to serving future generations.

Mr. HARKIN. Mr. President, I am pleased to join with so many of my colleagues in supporting a resolution commemorating the 50th anniversary of the AARP.

The 49 million members of the AARP take Government and public policy very seriously, and their association is a model of effective advocacy here in Washington. For instance, in the successful fight against the administration's attempt to privatize Social Security—a truly terrible idea that would have put Americans' retirement security at risk in the stock market casino—AARP was extraordinarily effective in marshalling facts, mobilizing experts, and educating members of Congress.

Likewise, AARP does a great job of informing and educating its own members about critical issues being debated here in Washington. I don't believe in top-down politics; I believe in bottom-up politics. And so does the AARP. The organization has members in virtually every neighborhood in the United States. It mobilizes old-fashioned people power in order to hold Government accountable. It takes on the powerful, entrenched interests when those interests attempt to trample on the rights of ordinary people.

AARP as an institution is an invaluable resource to us here in Congress. Just as AARP keeps its members informed about what is happening in Washington, it also closely monitors the concerns and wishes of its members so it can better represent them in Washington. Just this week, I chaired a hearing about the things that 401(k) participants and beneficiaries need to know about the fees they are paying. AARP was right there with the results of a timely survey of its members about what disclosure is most useful and understandable to them.

The staff at AARP pay close attention to every regulatory move, every newspaper article, every important hearing or meeting that could have some impact on older Americans. They are truly a wealth of information.

I am grateful for their active engagement on Capitol Hill, because, as our population ages, it is critical that we be attuned to the impact of our policies on older people and retirees. When we make policy and pass laws on everything from health care, to the economy, to improving workplace options for the millions of seniors who want or need to continue working, we have a tremendous resource in the AARP.

I would particularly like to thank the AARP for its assistance to me and my staff on some of our key legislative priorities, including improving retirement security; moving our health care system toward a greater emphasis on wellness and prevention; combating age discrimination in the workplace; preserving and strengthening Social Security; and ending the institutional bias in Medicare and Medicaid so that elderly people and people with disabilities can live in their own homes rather than nursing homes.

I look forward to continuing this rich collaboration with the outstanding professionals who staff and lead the AARP. I salute the people at AARP for the great job they do representing the interests of older Americans and retirees. It has been a remarkable first 50 years. In the years ahead, I wish them even greater success in increasing economic opportunities and retirement security for older Americans.

SENATE RESOLUTION 667—DESIGNATING SEPTEMBER 2008 AS ''NATIONAL PROSTATE CANCER AWARENESS MONTH''

Mr. SESSIONS (for himself, Mr. SCHUMER, Mr. CHAMBLISS, Mrs. CLINTON, Mr. INOUYE, Mr. VITTER, Ms. COLLINS, Ms. SNOWE, Mrs. DOLE, Mrs. BOXER, Mr. GRASSLEY, Mr. SHELBY, Mr. LIEBERMAN, Mr. INHOFE, Ms. LANDRIEU, Mr. STEVENS, Mr. DOMENICI, Mr. CRAPO, Mr. BAYH, Mr. BARRASSO, Ms. STABENOW, Mr. BUNNING, Mr. FEINGOLD, Mr. WHITEHOUSE, Mr. KERRY, Mr. SPECTER, Mr. DODD, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. BROWNBACK, Mr. WARNER, Mr. CARDIN, Mr. BAUCUS, Mrs. LINCOLN, Mr. LEVIN, Mr. HATCH, Mr. MENENDEZ, Mr. CASEY, Mr. JOHNSON, Mr. BENNETT, Mr. DORGAN, Mr. ISAKSON and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 667

Whereas countless families in the United States live with prostate cancer;

Whereas 1 in 6 men in the United States will be diagnosed with prostate cancer in his lifetime;

Whereas prostate cancer is the most commonly diagnosed non-skin cancer and the second most common cause of cancer-related deaths among men in the United States;

Whereas, in 2008, over 186,320 men in the United States will be diagnosed with prostate cancer and 28,660 men in the United States will die of prostate cancer;

Whereas 30 percent of new diagnoses of prostate cancer occur in men under the age of 65;

Whereas a man in the United States turns 50 years old about every 14 seconds, increasing his odds of developing cancer, including prostate cancer;

Whereas African-American males suffer a prostate cancer incidence rate up to 65 percent higher than White males and double the mortality rates;

Whereas obesity is a significant predictor of the severity of prostate cancer and the probability that the disease will lead to death, and high cholesterol levels are strongly associated with advanced prostate cancer;

Whereas, if a man in the United States has 1 family member diagnosed with prostate cancer, he has a 1 in 3 chance of being diagnosed with prostate cancer, if he has 2 family members with such diagnoses, he has an 83 percent risk, and if he has 3 family members with such diagnoses, he then has a 97 percent risk of prostate cancer;

Whereas screening by both a digital rectal examination (DRE) and a prostate specific antigen blood test (PSA) can diagnose the disease in its early stages, increasing the chances of surviving more than 5 years to nearly 100 percent, while only 33 percent of men survive more than 5 years if diagnosed during the late stages of the disease;

Whereas there are no noticeable symptoms of prostate cancer while it is still in the early stages, making screening critical;

Whereas ongoing research promises further improvements in prostate cancer prevention, early detection, and treatments; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection

strategies is crucial to saving the lives of men and preserving and protecting families: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2008 as ''National Prostate Cancer Awareness Month'';

(2) declares that the Federal Government has a responsibility—

(A) to raise awareness about the importance of screening methods for, and treatment of, prostate cancer;

(B) to increase research funding that is commensurate with the burden of the disease so that the screening and treatment of prostate cancer may be improved, and so that the causes of, and a cure for, prostate cancer may be discovered; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) calls on the people of the United States, interested groups, and affected persons—

(A) to promote awareness of prostate cancer;

(B) to take an active role in the fight to end the devastating effects of prostate cancer on individuals, their families, and the economy; and

(C) to observe National Prostate Cancer Awareness Month with appropriate ceremonies and activities.

SENATE RESOLUTION 668—TO COMMEND THE AMERICAN SAIL TRAINING ASSOCIATION FOR ITS ADVANCEMENT OF CHARACTER BUILDING UNDER SAIL AND FOR ITS ADVANCEMENT OF INTERNATIONAL GOODWILL

Mr. KERRY submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 668

Whereas the American Sail Training Association (ASTA) is an educational nonprofit corporation whose declared mission is ''to encourage character building through sail training, promote sail training to the North American public and support education under sail'';

Whereas, since its founding in 1973, ASTA has promoted these goals through—(1) support of character building experiences aboard traditionally-rigged sail training vessels; (2) a program of scholarship funds supporting such experiences; (3) a long history of tall ship races, rallies, and maritime festivals dating back as far as 1976; (4) the Tall Ships Challenge series of races and maritime festivals which have been conducted each year since 2001, have reached an aggregate audience to date of some 8,000,000 spectators, have had a cumulative economic impact of over $400,000,000 for over 30 host communities, and involve sail training vessels, trainees, and crews from all the coasts of the United States and around the world; (5) support of its membership of more than 200 sail training vessels, embracing barks, barques, barkentines, brigantines, brigs, schooners, sloops, and full-rigged ships, which carry the flags of the United States, Canada, and many other nations and have brought life changing adventures to thousands and thousands of young trainees; (6) a series of more than 30 annual sail training conferences to date, conducted in numerous cities throughout the United States and Canada and embracing the Safety Under Sail Forum and the Education Under Sail Forum; (7) extensive collaboration with the Coast Guard and with the premier sail training vessel of the United States, the square-rigged barque USCGC Eagle; (8) publication of ''Sail Tall Ships'', a periodic directory of sail training opportunities; and (9) supporting the enactment of the Sailing Schools Vessel Act of 1982, Public Law 97-322, on October 15, 1982;

Whereas ASTA has ably represented the United States as its national sail training organization as a founding member of Sail Training International, the recognized international body for the promotion of sail training, which itself carries forward a series of international races amongst square-rigged and other traditionally-rigged vessels reaching back as far as the 1950s; and

Whereas ASTA and Sail Training International are collaborating with port partners around the Atlantic Ocean to produce Tall Ships Atlantic Challenge 2009, an international fleet of sail training vessels originating in Europe, voyaging to North America, and returning to Europe: Now, therefore, be it

Resolved, That the Senate—

(1) commends the American Sail Training Association for its advancement of character building experiences for youth at sea in traditionally-rigged sailing vessels and its advancement of the finest traditions of the sea;

(2) commends the American Sail Training Association as the national sail training association of the United States, representing the sail training community of the United States in the international forum; and

(3) encourages all citizens of the United States and of nations around the world to join in the celebration of Tall Ships Atlantic Challenge 2009 and in the character building and educational experience that it represents for the youth of all nations.

Mr. KERRY. Mr. President, today it is my great pleasure to honor the incredible achievement, tradition, and performance of the American Sail Training Association, ASTA. This educational nonprofit corporation has allowed young participants from across the country to build character through sail training and to represent the United States around the world with distinction and good spirit. I am proud of the dedicated trainers who have taught young sailors to persevere in international adventures on brigantines, schooners, slops, and other vessels. I commend the efforts of the ASTA to provide such exciting and educational opportunities for youth, and I look forward to the coming Tall Ships Atlantic Challenge 2009.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5631. Mr. CASEY (for Mr. LIEBERMAN (for himself and Ms. COLLINS)) proposed an amendment to the bill S. 2606, to reauthorize the United States Fire Administration, and for other purposes.

TEXT OF AMENDMENTS

SA 5631. Mr. CASEY (for Mr. LIEBERMAN (for himself and Ms. COLLINS)) proposed an amendment to the bill S. 2606, to reauthorize the United States Fire Administration, and for other purposes; as follows:

In lieu of the matter to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This subtitle may be cited as the ''United States Fire Administration Reauthorization Act of 2008''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The number of lives lost each year because of fire has dropped significantly over the last 25 years in the United States. However, the United States still has one of the highest fire death rates in the industrialized world. In 2006, the National Fire Protection Association reported 3,245 civilian fire deaths, 16,400 civilian fire injuries, and $11,307,000,000 in direct losses due to fire.

(2) Every year, more than 100 firefighters die in the line of duty. The United States Fire Administration should continue its leadership to help local fire agencies dramatically reduce these fatalities.

(3) The Federal Government should continue to work with State and local governments and the fire service community to further the promotion of national voluntary consensus standards that increase firefighter safety.

(4) The United States Fire Administration provides crucial support to the 30,300 fire departments of the United States through training, emergency incident data collection, fire awareness and education, and support of research and development activities for fire prevention, control, and suppression technologies.

(5) The collection of data on fire and other emergency incidents is a vital tool both for policy makers and emergency responders to identify and develop responses to emerging hazards. Improving the data collection capabilities of the United States Fire Administration is essential for accurately tracking and responding to the magnitude and nature of the fire problems of the United States.

(6) The research and development performed by the National Institute of Standards and Technology, the United States Fire Administration, other government agencies, and nongovernmental organizations on fire technologies, techniques, and tools advance the capabilities of the fire service of the United States to suppress and prevent fires.

(7) Because of the essential role of the United States Fire Administration and the fire service community in preparing for and responding to national and man-made disasters, the United States Fire Administration should have a prominent place within the Federal Emergency Management Agency and the Department of Homeland Security.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES FIRE ADMINISTRATION.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) in subparagraph (C), by striking ''and'' after the semicolon;

(2) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

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

''(E) $70,000,000 for fiscal year 2009, of which $2,520,000 shall be used to carry out section 8(f);

''(F) $72,100,000 for fiscal year 2010, of which $2,595,600 shall be used to carry out section 8(f);

''(G) $74,263,000 for fiscal year 2011, of which $2,673,468 shall be used to carry out section 8(f); and

''(H) $76,490,890 for fiscal year 2012, of which $2,753,672 shall be used to carry out section 8(f).''.

SEC. 4. NATIONAL FIRE ACADEMY TRAINING PROGRAM MODIFICATIONS AND REPORTS.

(a) AMENDMENTS TO FIRE ACADEMY TRAINING.—Section 7(d)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(d)(1)) is amended—

(1) by amending subparagraph (H) to read as follows:

''(H) tactics and strategies for dealing with natural disasters, acts of terrorism, and other man-made disasters;'';

(2) in subparagraph (K), by striking ''forest'' and inserting ''wildland'';

(3) in subparagraph (M), by striking ''response'';

(4) by redesignating subparagraphs (I) through (N) as subparagraphs (M) through (R), respectively; and

(5) by inserting after subparagraph (H) the following:

''(I) tactics and strategies for fighting large-scale fires or multiple fires in a general area that cross jurisdictional boundaries;

''(J) tactics and strategies for fighting fires occurring at the wildland-urban interface;

''(K) tactics and strategies for fighting fires involving hazardous materials;

''(L) advanced emergency medical services training;''.

(b) ON-SITE TRAINING.—Section 7 of such Act (15 U.S.C. 2206) is amended—

(1) in subsection (c)(6), by inserting '', including on-site training'' after ''United States'';

(2) in subsection (f), by striking ''4 percent'' and inserting ''7.5 percent''; and

(3) by adding at the end the following:

''(m) ON-SITE TRAINING.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator may enter into a contract with nationally recognized organizations that have established on-site training programs that comply with national voluntary consensus standards for fire service personnel to facilitate the delivery of the education and training programs outlined in subsection (d)(1) directly to fire service personnel.

''(2) LIMITATION.—

''(A) IN GENERAL.—The Administrator may not enter into a contract with an organization described in paragraph (1) unless such organization provides training that—

''(i) leads to certification by a program that is accredited by a nationally recognized accreditation organization; or

''(ii) the Administrator determines is of equivalent quality to a fire service training program described by clause (i).

''(B) APPROVAL OF UNACCREDITED FIRE SERVICE TRAINING PROGRAMS.—The Administrator may consider the fact that an organization has provided a satisfactory fire service training program pursuant to a cooperative agreement with a Federal agency as evidence that such program is of equivalent quality to a fire service training program described by subparagraph (A)(i).

''(3) RESTRICTION ON USE OF FUNDS.—The amounts expended by the Administrator to carry out this subsection in any fiscal year shall not exceed 7.5 per centum of the amount authorized to be appropriated in such fiscal year pursuant to section 17.''.

(c) TRIENNIAL REPORTS.—Such section 7 (15 U.S.C. 2206) is further amended by adding at the end the following:

''(n) TRIENNIAL REPORT.—In the first annual report filed pursuant to section 16 for which the deadline for filing is after the expiration of the 18-month period that begins on the date of the enactment of the United States Fire Administration Reauthorization Act of 2008, and in every third annual report thereafter, the Administrator shall include information about changes made to the National Fire Academy curriculum, including—

''(1) the basis for such changes, including a review of the incorporation of lessons learned by emergency response personnel after significant emergency events and emergency preparedness exercises performed under the National Exercise Program; and

''(2) the desired training outcome of all such changes.''.

(d) REPORT ON FEASIBILITY OF PROVIDING INCIDENT COMMAND TRAINING FOR FIRES AT PORTS AND IN MARINE ENVIRONMENTS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the United States Fire Administration shall submit to Congress a report on the feasibility of providing training in incident command for appropriate fire service personnel for fires at United States ports and in marine environments, including fires on the water and aboard vessels.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the necessary curriculum for training described in paragraph (1).

(B) A description of existing training programs related to incident command in port and maritime environments, including by other Federal agencies, and the feasibility and estimated cost of making such training available to appropriate fire service personnel.

(C) An assessment of the feasibility and advisability of the United States Fire Administration developing such a training course in incident command for appropriate fire service personnel for fires at United States ports and in marine environments, including fires on the water and aboard vessels.

(D) A description of the delivery options for such a course and the estimated cost to the United States Fire Administration for developing such a course and providing such training for appropriate fire service personnel.

SEC. 5. NATIONAL FIRE INCIDENT REPORTING SYSTEM UPGRADES.

(a) INCIDENT REPORTING SYSTEM DATABASE.—Section 9 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2208) is amended by adding at the end the following:

''(d) NATIONAL FIRE INCIDENT REPORTING SYSTEM UPDATE.—

''(1) IN GENERAL.—The Administrator shall update the National Fire Incident Reporting System to ensure that the information in the system is available, and can be updated, through the Internet and in real time.

''(2) LIMITATION.—Of the amounts made available pursuant to subparagraphs (E), (F), and (G) of section 17(g)(1), the Administrator shall use not more than an aggregate amount of $5,000,000 during the 3-year period consisting of fiscal years 2009, 2010, and 2011 to carry out the activities required by paragraph (1).''.

(b) TECHNICAL CORRECTION.—Section 9(b)(2) of such Act (15 U.S.C. 2208(b)(2)) is amended by striking ''assist State,'' and inserting ''assist Federal, State,''.

SEC. 6. FIRE TECHNOLOGY ASSISTANCE AND RESEARCH DISSEMINATION.

(a) ASSISTANCE TO FIRE SERVICES FOR FIRE PREVENTION AND CONTROL IN WILDLAND-URBAN INTERFACE.—Section 8(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2207(d)) is amended to read as follows:

''(d) RURAL AND WILDLAND-URBAN INTERFACE ASSISTANCE.—The Administrator may, in coordination with the Secretary of Agriculture, the Secretary of the Interior, and the Wildland Fire Leadership Council, assist the fire services of the United States, directly or through contracts, grants, or other forms of assistance, in sponsoring and encouraging research into approaches, techniques, systems, equipment, and land-use policies to improve fire prevention and control in—

''(1) the rural and remote areas of the United States; and

''(2) the wildland-urban interface.''.

(b) TECHNOLOGY RESEARCH DISSEMINATION.—Section 8 of such Act (15 U.S.C. 2207) is amended by adding at the end the following:

''(h) PUBLICATION OF RESEARCH RESULTS.—

''(1) IN GENERAL.—For each fire-related research program funded by the Administration, the Administrator shall make available to the public on the Internet website of the Administration the following:

''(A) A description of such research program, including the scope, methodology, and goals thereof.

''(B) Information that identifies the individuals or institutions conducting the research program.

''(C) The amount of funding provided by the Administration for such program.

''(D) The results or findings of the research program.

''(2) DEADLINES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the information required by paragraph (1) shall be published with respect to a research program as follows:

''(i) The information described in subparagraphs (A), (B), and (C) of paragraph (1) with respect to such research program shall be made available under paragraph (1) not later than 30 days after the Administrator has awarded the funding for such research program.

''(ii) The information described in subparagraph (D) of paragraph (1) with respect to a research program shall be made available under paragraph (1) not later than 60 days after the date such research program has been completed.

''(B) EXCEPTION.—No information shall be required to be published under this subsection before the date that is 1 year after the date of the enactment of the United States Fire Administration Reauthorization Act of 2008.''.

SEC. 7. ENCOURAGING ADOPTION OF STANDARDS FOR FIREFIGHTER HEALTH AND SAFETY.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by adding at the end the following:

''SEC. 37. ENCOURAGING ADOPTION OF STANDARDS FOR FIREFIGHTER HEALTH AND SAFETY.

''The Administrator shall promote adoption by fire services of national voluntary consensus standards for firefighter health and safety, including such standards for firefighter operations, training, staffing, and fitness, by—

''(1) educating fire services about such standards;

''(2) encouraging the adoption at all levels of government of such standards; and

''(3) making recommendations on other ways in which the Federal Government can promote the adoption of such standards by fire services.''.

SEC. 8. STATE AND LOCAL FIRE SERVICE REPRESENTATION AT NATIONAL OPERATIONS CENTER.

Section 515 of the Homeland Security Act of 2002 (6 U.S.C. 321d) is amended by adding at the end the following:

''(c) STATE AND LOCAL FIRE SERVICE REPRESENTATION.—

''(1) ESTABLISHMENT OF POSITION.—The Secretary shall, in consultation with the Administrator of the United States Fire Administration, establish a fire service position at the National Operations Center established under subsection (b) to ensure the effective sharing of information between the Federal Government and State and local fire services.

''(2) DESIGNATION OF POSITION.—The Secretary shall designate, on a rotating basis, a State or local fire service official for the position described in paragraph (1).

''(3) MANAGEMENT.—The Secretary shall manage the position established pursuant to paragraph (1) in accordance with such rules, regulations, and practices as govern other similar rotating positions at the National Operations Center.''.

SEC. 9. COORDINATION REGARDING FIRE PREVENTION AND CONTROL AND EMERGENCY MEDICAL SERVICES.

(a) IN GENERAL.—Section 21(e) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2218(e)) is amended to read as follows:

''(e) COORDINATION.—

''(1) IN GENERAL.—To the extent practicable, the Administrator shall use existing programs, data, information, and facilities already available in other Federal Government departments and agencies and, where appropriate, existing research organizations, centers, and universities.

''(2) COORDINATION OF FIRE PREVENTION AND CONTROL PROGRAMS.—The Administrator shall provide liaison at an appropriate organizational level to assure coordination of the activities of the Administrator with Federal, State, and local government agencies and departments and nongovernmental organizations concerned with any matter related to programs of fire prevention and control.

''(3) COORDINATION OF EMERGENCY MEDICAL SERVICES PROGRAMS.—The Administrator shall provide liaison at an appropriate organizational level to assure coordination of the activities of the Administrator related to emergency medical services provided by fire service-based systems with Federal, State, and local government agencies and departments and nongovernmental organizations so concerned, as well as those entities concerned with emergency medical services generally.''.

(b) FIRE SERVICE-BASED EMERGENCY MEDICAL SERVICES BEST PRACTICES.—Section 8(c) of such Act (15 U.S.C. 2207(c)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) The Administrator is authorized to conduct, directly or through contracts or grants, studies of the operations and management aspects of fire service-based emergency medical services and coordination between emergency medical services and fire services. Such studies may include the optimum protocols for on-scene care, the allocation of resources, and the training requirements for fire service-based emergency medical services.''.

SEC. 10. AMENDMENTS TO DEFINITIONS.

Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by striking ''Administration'' and inserting ''Administration, within the Federal Emergency Management Agency'';

(2) in paragraph (7), by striking the ''and'' after the semicolon;

(3) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(9) 'wildland-urban interface' has the meaning given such term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).''.

SEC. 11. SUPPORTING THE ADOPTION OF FIRE SPRINKLERS.

Congress supports the recommendations of the United States Fire Administration regarding the adoption of fire sprinklers in commercial buildings and educational programs to raise awareness of the important of installing fire sprinklers in residential buildings.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. CLINTON. 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 Thursday, September 18, 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 ENVIRONMENT AND PUBLIC WORKS

Mrs. CLINTON. 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 Thursday, September 18, 2008, at 10 a.m., in room 406 of the Dirksen Senate Office Building to hold a hearing entitled ''Oversight Hearing on Cleanup Efforts at Federal Facilities.''

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. CLINTON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 18, 2008, at 2:30 p.m.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. CLINTON. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, September 18, 2008, at a time to be determined.

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

COMMITTEE ON THE JUDICIARY

Mrs. CLINTON. 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 an executive business meeting on Thursday, September 18, 2008, at 10 a.m. in room SH–216 of the Hart Senate Office Building.

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

COMMITTEE ON INDIAN AFFAIRS

Mrs. CLINTON. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, September 18, at 9:30 a.m. in room 562 of the Dirksen Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mrs. CLINTON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, September 18, 2008 at 2:30 p.m. to hold a closed hearing.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mrs. CLINTON. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Thursday, September 18, 2008, at 2 p.m. to conduct a hearing entitled ''Keeping the Nation Safe through the Presidential Transition.''

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

SUBCOMMITTEE ON SECURITIES, INSURANCE, AND INVESTMENT

Mrs. CLINTON. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Securities, Insurance, and Investment be authorized to meet during the session of the Senate on September 18, 2008, at 2:30 p.m., to conduct a hearing entitled ''Transparency in Accounting: Proposed Changes to Accounting for Off-Balance Sheet Entities.''

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

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following Finance Committee staff be granted the privilege of the floor during consideration of the tax bill: Mary Baker, Matthew Berkeley, Matt Kazan, Bridget Mallon, Katheena Mussa, Ford Porter, Sean Thomas, and Caroline Phil.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

On Wednesday, September 17, 2008, the Senate passed S. 3001, as amended, as follows:

S. 3001

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 2009''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

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

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Army as follows:

(1) For aircraft, $4,957,435,000.
(2) For missiles, $2,211,460,000.
(3) For weapons and tracked combat vehicles, $3,689,277,000.
(4) For ammunition, $2,303,791,000.
(5) For other procurement, $11,861,704,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Navy as follows:

(1) For aircraft, $14,729,274,000.
(2) For weapons, including missiles and torpedoes, $3,605,482,000.
(3) For shipbuilding and conversion, $13,037,218,000.
(4) For other procurement, $5,516,506,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Marine Corps in the amount of $1,495,665,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement of ammunition for the Navy and the Marine Corps in the amount of $1,131,712,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Air Force as follows:

(1) For aircraft, $13,235,286,000.
(2) For missiles, $5,556,728,000.
(3) For ammunition, $895,478,000.
(4) For other procurement, $16,115,496,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2009 for Defense-wide procurement as follows:

(1) For Defense-wide procurement, $3,466,928,000.
(2) For the Rapid Acquisition Fund, $102,045,000.

Subtitle B—Army Programs

SEC. 111. STRYKER MOBILE GUN SYSTEM.

(a) TESTING OF SYSTEM.—If the Secretary of the Army makes the certification described by subsection (a) of section 117 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–18; 122 Stat. 26) with respect to the Stryker Mobile Gun System, or the Secretary of Defense waives pursuant to subsection (b) of such section the limitations under subsection (a) of such section with respect to the Stryker Mobile Gun System, the Secretary of Defense shall, through the Director of Operational Test and Evaluation, ensure that the Stryker Mobile Gun System is subject to testing to confirm the efficacy of any actions necessary to mitigate operational effectiveness, suitability, and survivability deficiencies identified in Initial Operational Test and Evaluation and Live Fire Test and Evaluation.

(b) QUARTERLY REPORTS.—

(1) REPORTS REQUIRED.—The Secretary of the Army shall submit to the congressional defense committees on a quarterly basis a report setting forth the following:

(A) The status of any necessary mitigating actions taken by the Army to address deficiencies in the Stryker Mobile Gun System that are identified by the Director of Operational Test and Evaluation.

(B) An assessment of the efficacy of the actions described by subparagraph (A).

(C) A statement of additional actions needed to be taken, if any, to mitigate operational deficiencies in the Stryker Mobile Gun System.

(D) A compilation of all hostile fire engagements resulting in damage to the vehicle, resulting in a non-mission capable status of the Stryker Mobile Gun System.

(2) CONSULTATION.—The Secretary shall submit each report required by paragraph (1) in consultation with the Director of Operational Test and Evaluation.

(3) FORM.—Each report required by paragraph (1) may be submitted in unclassified or classified form.

(c) EXPANSION OF LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT OF SYSTEM.—Section 117(a) of the National Defense Authorization Act for Fiscal Year 2008 is amended by striking ''by sections 101(3) and 1501(3)'' and inserting ''by this Act or any other Act.''.

SEC. 112. PROCUREMENT OF SMALL ARMS.

(a) REPORT ON CAPABILITIES BASED ASSESSMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the Capabilities Based Assessment of small arms by the Army Training and Doctrine Command.

(2) LIMITATION ON USE OF CERTAIN FUNDS PENDING REPORT.—Not more than 75 percent of the aggregate amount authorized to be appropriated for the Department of Defense for fiscal year 2009 and available for the Guardrail Common Sensor program may be obligated for that program until after the Secretary of the Army submits to the congressional defense committees a report required under paragraph (1).

(b) COMPETITION FOR NEW INDIVIDUAL WEAPON.—

(1) COMPETITION REQUIRED.—In the event the Capabilities Based Assessment identifies gaps in the current capabilities of the small arms of the Army and the Secretary of the Army determines that a new individual weapon is required to address such gaps, the Secretary shall procure the new individual weapon through one or more contracts entered into after full and open competition described in paragraph (2).

(2) FULL AND OPEN COMPETITION.—The full and open competition described in this paragraph is full and open competition among all responsible manufacturers that—

(A) is open to all developmental item solutions and nondevelopmental item (NDI) solutions; and

(B) provides for the award of the contract or contracts concerned based on selection criteria that reflect the key performance parameters and attributes identified in an Army-approved service requirements document.

(c) REPORT ON PROCUREMENT OF CARBINE-TYPE RIFLES.—Not later than 120 days after the date of the enactment of this Act, Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of each of the following:

(1) The certification of a carbine-type rifle requirement that does not require commonality with existing technical data.

(2) A full and open competition leading to the award of contracts for carbine-type rifles in lieu of a developmental program intended to meet the proposed carbine-type rifle requirement.

(3) The reprogramming of funds for the procurement of small arms from the procurement of M4 Carbines to the procurement of carbine-type rifles authorized only as the result of competition.

(4) The use of rapid equipping authority to procure carbine-type rifles under $2,000 per unit that meet service-approved requirements, which weapons may be nondevelopmental items selected through full and open competition.

Subtitle C—Navy Programs

SEC. 131. AUTHORITY FOR ADVANCED PROCUREMENT AND CONSTRUCTION OF COMPONENTS FOR THE VIRGINIA-CLASS SUBMARINE PROGRAM.

Section 121 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 26) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) ADVANCE PROCUREMENT AND CONSTRUCTION OF COMPONENTS.—The Secretary may enter into one or more contracts for advance procurement and advance construction of those components for the Virginia-class submarine program for which authorization to enter into a multiyear procurement contract

is granted under subsection (a) if the Secretary determines that cost savings or construction efficiencies may be achieved for Virginia-class submarines through the use of such contracts.''.

SEC. 132. REFUELING AND COMPLEX OVERHAUL OF THE U.S.S. THEODORE ROOSEVELT.

(a) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—

(1) IN GENERAL.—Of the amount authorized to be appropriated for fiscal year 2009 by section 102(a)(3) for shipbuilding and conversion, Navy, $124,500,000 is available for the commencement of the nuclear refueling and complex overhaul of the U.S.S. Theodore Roosevelt (CVN–71) during fiscal year 2009.

(2) FIRST INCREMENT.—The amount made available under paragraph (1) is the first increment of the three increments of funding planned to be available for the nuclear refueling and complex overhaul of the U.S.S. Theodore Roosevelt.

(b) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Navy may enter into a contract during fiscal year 2009 for the nuclear refueling and complex overhaul of the U.S.S. Theodore Roosevelt.

(2) CONDITION ON OUT-YEAR CONTRACT PAYMENTS.—The contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2009 is subject to the availability of appropriations for that purpose for such fiscal year.

Subtitle D—Air Force Programs

SEC. 151. F–22A FIGHTER AIRCRAFT.

(a) AVAILABILITY OF FUNDS.—Subject to subsection (b), of the amount authorized to be appropriated by section 103(1) for procurement of aircraft for the Air Force, $497,000,000 shall be available, at the election of the President, for either, but not both, of the following:

(1) Advance procurement of F–22A fighter aircraft in fiscal year 2010.

(2) Winding down of the production line for F–22A fighter aircraft.

(b) CERTIFICATION.—

(1) IN GENERAL.—The amount referred to in subsection (a) shall not be available for the purpose elected by the President under that subsection until the President certifies to the congressional defense committees the following (as applicable):

(A) That procurement of F–22A fighter aircraft is in the national interests of the United States.

(B) That the winding down of the production line for F–22A fighter aircraft is in the national interests of the United States.

(2) DATE OF SUBMITTAL.—Any certification submitted under this subsection may not be submitted before January 21, 2009.

Subtitle E—Joint and Multiservice Matters

SEC. 171. ANNUAL LONG-TERM PLAN FOR THE PROCUREMENT OF AIRCRAFT FOR THE NAVY AND THE AIR FORCE.

(a) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by inserting after section 231 the following new section:

''§ 231a. Budgeting for procurement of aircraft for the Navy and Air Force: annual plan and certification

''(a) ANNUAL AIRCRAFT PROCUREMENT PLAN AND CERTIFICATION.—The Secretary of Defense shall include with the defense budget materials for each fiscal year—

''(1) a plan for the procurement of the aircraft specified in subsection (b) for the Department of the Navy and the Department of the Air Force developed in accordance with this section; and

''(2) a certification by the Secretary that both the budget for such fiscal year and the future-years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding of the procurement of aircraft at a level that is sufficient for the procurement of the aircraft provided for in the plan under paragraph (1) on the schedule provided in the plan.

''(b) COVERED AIRCRAFT.—The aircraft specified in this subsection are the aircraft as follows:

''(1) Fighter aircraft.

''(2) Attack aircraft.

''(3) Bomber aircraft.

''(4) Strategic lift aircraft.

''(5) Intratheater lift aircraft.

''(6) Intelligence, surveillance, and reconnaissance aircraft.

''(7) Tanker aircraft.

''(8) Any other major support aircraft designated by the Secretary of Defense for purposes of this section.

''(c) ANNUAL AIRCRAFT PROCUREMENT PLAN.—(1) The annual aircraft procurement plan developed for a fiscal year for purposes of subsection (a)(1) should be designed so that the aviation force provided for under the plan is capable of supporting the national security strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a), except that, if at the time the plan is submitted with the defense budget materials for that fiscal year, a national security strategy report required under such section 108 has not been submitted to Congress as required by paragraph (2) or paragraph (3), if applicable, of subsection (a) of such section, then the plan should be designed so that the aviation force provided for under the plan is capable of supporting the aviation force structure recommended in the report of the most recent Quadrennial Defense Review.

''(2) Each annual aircraft procurement plan shall include the following:

''(A) A detailed program for the procurement of the aircraft specified in subsection (b) for each of the Department of the Navy and the Department of the Air Force over the next 30 fiscal years.

''(B) A description of the necessary aviation force structure to meet the requirements of the national security strategy of the United States or the most recent Quadrennial Defense Review, whichever is applicable under paragraph (1).

''(C) The estimated levels of annual funding necessary to carry out the program, together with a discussion of the procurement strategies on which such estimated levels of annual funding are based.

''(D) An assessment by the Secretary of Defense of the extent to which the combined aircraft forces of the Department of the Navy and the Department of the Air Force meet the national security requirements of the United States.

''(d) ASSESSMENT WHEN AIRCRAFT PROCUREMENT BUDGET IS INSUFFICIENT TO MEET APPLICABLE REQUIREMENTS.—If the budget for a fiscal year provides for funding of the procurement of aircraft for either the Department of the Navy or the Department of the Air Force at a level that is not sufficient to sustain the aviation force structure specified in the aircraft procurement plan for such Department for that fiscal year under subsection (a), the Secretary shall include with the defense budget materials for that fiscal year an assessment that describes and discusses the risks associated with the reduced force structure of aircraft that will result from funding aircraft procurement at such level. Such assessment shall be coordinated in advance with the commanders of the combatant commands.

''(e) DEFINITIONS.—In this section:

''(1) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

''(2) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

''(3) The term 'Quadrennial Defense Review' means the review of the defense programs and policies of the United States that is carried out every 4 years under section 118 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by inserting after the item relating to section 231 the following new item:

''231a. Budgeting for procurement of aircraft for the Navy and Air Force: annual plan and certification.''.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $10,855,210,000.

(2) For the Navy, $19,442,192,000.

(3) For the Air Force, $28,322,477,000.

(4) For Defense-wide activities, $21,113,501,000, of which $188,772,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECHNOLOGY.

(a) FISCAL YEAR 2009.—Of the amounts authorized to be appropriated by section 201, $11,895,180,000 shall be available for the Defense Science and Technology Program, including basic research, applied research, and advanced technology development projects.

(b) BASIC RESEARCH, APPLIED RESEARCH, AND ADVANCED TECHNOLOGY DEVELOPMENT DEFINED.—For purposes of this section, the term ''basic research, applied research, and advanced technology development'' means work funded in programs elements for defense research and development under Department of Defense budget activity 1, 2, or 3.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. REQUIREMENT FOR PLAN ON OVERHEAD NONIMAGING INFRARED SYSTEMS.

(a) IN GENERAL.—The Secretary of the Air Force shall develop a comprehensive plan to conduct and support research, development, and demonstration of technologies that could evolve into the next generation of overhead nonimaging infrared systems.

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) The research objectives to be achieved under the plan.

(2) An estimate of the duration of the research, development, and demonstration of technologies under the plan.

(3) The cost and duration of any flight or on-orbit demonstrations of the technologies being developed.

(4) A plan for implementing an acquisition program with respect to technologies determined to be successful under the plan.

(5) An identification of the date by which a decision must be made to begin a follow-on program and a justification for the date identified.

(6) A schedule for completion of a full analysis of the on-orbit performance characteristics of the Space-Based Infrared System and

the Space Tracking and Surveillance System, and an assessment of how the performance characteristics of such systems will inform the decision to proceed to a next generation overhead nonimaging infrared system.

(c) LIMITATION ON OBLIGATION AND EXPENDITURE OF FUNDS FOR THIRD GENERATION INFRARED SURVEILLANCE PROGRAM.—Not more than 50 percent of the amounts authorized to be appropriated for fiscal year 2009 by section 201(3) for research, development, test, and evaluation for the Air Force and available for the Third Generation Infrared Surveillance program may be obligated or expended until the date that is 30 days after the date on which the Secretary submits to the congressional defense committees the plan required by subsection (a).

SEC. 212. ADVANCED BATTERY MANUFACTURING AND TECHNOLOGY ROADMAP.

(a) ROADMAP REQUIRED.—The Secretary of Defense shall, in coordination with the Secretary of Energy, develop a multi-year roadmap to develop advanced battery technologies and sustain domestic advanced battery manufacturing capabilities and an assured supply chain necessary to ensure that the Department of Defense has assured access to advanced battery technologies to support current military requirements and emerging military needs.

(b) ELEMENTS.—The roadmap required by subsection (a) shall include, but not be limited to, the following:

(1) An identification of current and future capability gaps, performance enhancements, cost savings goals, and assured technology access goals that require advances in battery technology and manufacturing capabilities.

(2) Specific research, technology, and manufacturing goals and milestones, and timelines and estimates of funding necessary for achieving such goals and milestones.

(3) Specific mechanisms for coordinating the activities of Federal agencies, State and local governments, coalition partners, private industry, and academia covered by the roadmap.

(4) Such other matters as the Secretary of Defense and the Secretary of Energy consider appropriate for purposes of the roadmap.

(c) COORDINATION.—

(1) IN GENERAL.—The roadmap required by subsection (a) shall be developed in coordination with the military departments, appropriate Defense Agencies and other elements and organizations of the Department of Defense, other appropriate Federal, State, and local government organizations, and appropriate representatives of private industry and academia.

(2) DEPARTMENT OF DEFENSE SUPPORT.—The Secretary of Defense shall ensure that appropriate elements and organizations of the Department of Defense provide such information and other support as is required for the development of the roadmap.

(d) SUBMITTAL TO CONGRESS.—The Secretary of Defense shall submit to the congressional defense committees the roadmap required by subsection (a) not later than one year after the date of the enactment of this Act.

SEC. 213. AVAILABILITY OF FUNDS FOR DEFENSE LABORATORIES FOR RESEARCH AND DEVELOPMENT OF TECHNOLOGIES FOR MILITARY MISSIONS.

(a) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretaries of the military departments, establish mechanisms under which the director of a defense laboratory may utilize an amount equal to not more than three percent of all funds available to the defense laboratory for the following purposes:

(A) To fund innovative basic and applied research at the defense laboratory in support of military missions.

(B) To fund development programs that support the transition of technologies developed by the defense laboratory into operational use.

(C) To fund workforce development activities that improve the capacity of the defense laboratory to recruit and retain personnel with scientific and engineering expertise required by the defense laboratory.

(2) CONSULTATION REQUIRED.—The mechanisms established under paragraph (1) shall provide that funding shall be utilized under paragraph (1) at the discretion of the director of a defense laboratory in consultation with the science and technology executive of the military department concerned.

(b) ANNUAL REPORT ON USE OF AUTHORITY.—

(1) IN GENERAL.—Not later than March 1 each year, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority under subsection (a) during the preceding year.

(2) ELEMENTS.—Each report under paragraph (1) shall include, with respect to the year covered by such report, the following:

(A) A current description of the mechanisms under subsection (a).

(B) A statement of the amount of funding made available by each defense laboratory for research and development described in subsection (a)(1).

(C) A description of the investments made by each defense laboratory utilizing funds under subsection (a).

(D) A description and assessment of any improvements in the performance of the defense laboratories as a result of investments described under subparagraph (C).

(E) A description and assessment of the contributions of the research and development conducted by the defense laboratories utilizing funds under subsection (a) to the development of needed military capabilities.

(F) A description of any modification to the mechanisms under subsection (a) that are required or proposed to be taken to enhance the efficacy of the authority under subsection (a) to support military missions.

SEC. 214. ASSURED FUNDING FOR CERTAIN INFORMATION SECURITY AND INFORMATION ASSURANCE PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Of the amount authorized to be appropriated for each fiscal year after fiscal year 2008 for a program specified in subsection (b), not less than the amount equal to one percent of such amount shall be available in such fiscal year for the establishment or conduct under such program of a program or activities to—

(1) anticipate advances in information technology that will create information security challenges for the Department of Defense when fielded; and

(2) identify and develop solutions to such challenges.

(b) COVERED PROGRAMS.—The programs specified in this subsection are the programs described in the budget justification documents submitted to Congress in support of the budget of the President for fiscal year 2009 (as submitted pursuant to section 1105(a) of title 31, United States Code) as follows:

(1) The Information Systems Security Program of the Department of Defense.

(2) Each other Department of Defense information assurance program.

(3) Any program of the Department of Defense under the Comprehensive National Cybersecurity Initiative that is not funded by the National Intelligence Program.

(c) SUPPLEMENT NOT SUPPLANT.—Amounts available under subsection (a) for a fiscal year for the programs and activities described in that subsection are in addition to any other amounts available for such fiscal year for the programs specified in subsection (b) for research and development relating to new information assurance technologies.

SEC. 215. REQUIREMENTS FOR CERTAIN AIRBORNE INTELLIGENCE COLLECTION SYSTEMS.

(a) IN GENERAL.—Except as provided pursuant to subsection (b), effective as of October 1, 2012, each airborne intelligence collection system of the Department of Defense that is connected to the Distributed Common Ground/Surface System shall have the capability to operate with the Network-Centric Collaborative Targeting System.

(b) EXCEPTIONS.—The requirement in subsection (a) with respect to a particular airborne intelligence collection system may be waived by the Chairman of the Joint Requirements Oversight Council under section 181 of title 10, United States Code. Waivers under this subsection shall be made on a case-by-case basis.

Subtitle C—Missile Defense Programs

SEC. 231. REVIEW OF THE BALLISTIC MISSILE DEFENSE POLICY AND STRATEGY OF THE UNITED STATES.

(a) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review of the ballistic missile defense policy and strategy of the United States.

(b) ELEMENTS.—The matters addressed by the review required by subsection (a) shall include, but not be limited to, the following:

(1) The ballistic missile defense policy of the United States in relation to the overall national security policy of the United States.

(2) The ballistic missile defense strategy and objectives of the United States in relation to the national security strategy of the United States and the military strategy of the United States.

(3) The organization, discharge, and oversight of acquisition for the ballistic missile defense programs of the United States.

(4) The roles and responsibilities of the military departments in the ballistic missile defense programs of the United States.

(5) The process for determining requirements for missile defense capabilities under the ballistic missile defense programs of the United States, including input from the joint military requirements process.

(6) The process for determining the force structure and inventory objectives for the ballistic missile defense programs of the United States.

(7) Standards for the military utility, operational effectiveness, suitability, and survivability of the ballistic missile defense systems of the United States.

(8) The affordability and cost-effectiveness of particular capabilities under the ballistic missile defense programs of the United States.

(9) The objectives, requirements, and standards for test and evaluation with respect to the ballistic missile defense programs of the United States.

(10) Accountability, transparency, and oversight with respect to the ballistic missile defense programs of the United States.

(11) The role of international cooperation on missile defense in the ballistic missile defense policy and strategy of the United States.

(c) REPORT.—

(1) IN GENERAL.—Not later than January 31, 2010, the Secretary shall submit to Congress a report setting forth the results of the review required by subsection (a).

(2) FORM.—The report required by this subsection shall be in unclassified form, but may include a classified annex.

SEC. 232. LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT, CONSTRUCTION, AND DEPLOYMENT OF MISSILE DEFENSES IN EUROPE.

(a) IN GENERAL.—No funds authorized to be appropriated by this Act may be obligated or expended for procurement, site activation, construction, preparation of equipment for, or deployment of major components of a long-range missile defense system in a European country until each of the following conditions have been met:

(1) The government of the country in which such major components of such missile defense system (including interceptors and associated radars) are proposed to be deployed has given final approval (including parliamentary ratification) to any missile defense agreements negotiated between such government and the United States Government concerning the proposed deployment of such components in such country.

(2) 45 days have elapsed following the receipt by Congress of the report required by section 226(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 42).

(b) ADDITIONAL LIMITATION.—In addition to the limitation in subsection (a), no funds authorized to be appropriated by this Act may be obligated or expended for the acquisition (other than initial long-lead procurement) or deployment of operational missiles of a long-range missile defense system in Europe until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to Congress a report certifying that the proposed interceptor to be deployed as part of such missile defense system has demonstrated, through successful, operationally realistic flight testing, a high probability of accomplishing its mission in an operationally effective manner.

(c) CONSTRUCTION.—Nothing in this section shall be construed to limit continuing obligation and expenditure of funds for missile defense, including for research and development and for other activities not otherwise limited by subsection (a) or (b), including, but not limited to, site surveys, studies, analysis, and planning and design for the proposed missile defense deployment in Europe.

SEC. 233. AIRBORNE LASER SYSTEM.

(a) REPORT ON DIRECTOR OF OPERATIONAL TEST AND EVALUATION ASSESSMENT OF TESTING.—Not later than January 15, 2010, the Director of Operational Test and Evaluation shall—

(1) review and evaluate the testing conducted on the first Airborne Laser system aircraft, including the planned shootdown demonstration testing; and

(2) submit to the Secretary of Defense and to Congress an assessment by the Director of the operational effectiveness, suitability, and survivability of the Airborne Laser system.

(b) LIMITATION ON AVAILABILITY OF FUNDS FOR LATER AIRBORNE LASER SYSTEM AIRCRAFT.—No funds authorized to be appropriated for the Department of Defense may be obligated or expended for the procurement of a second or subsequent aircraft for the Airborne Laser system program until the Secretary of Defense, after receiving the assessment of the Director of Operational Test and Evaluation under subsection (a)(2), submits to Congress a certification that the Airborne Laser system has demonstrated, through successful testing and operational and cost analysis, a high probability of being operationally effective, suitable, survivable, and affordable.

SEC. 234. ANNUAL DIRECTOR OF OPERATIONAL TEST AND EVALUATION CHARACTERIZATION OF OPERATIONAL EFFECTIVENESS, SUITABILITY, AND SURVIVABILITY OF THE BALLISTIC MISSILE DEFENSE SYSTEM.

(a) ANNUAL CHARACTERIZATION.—Section 232(h) of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Director of Operational Test and Evaluation shall also each year characterize the operational effectiveness, suitability, and survivability of the ballistic missile defense system, and its elements, that have been fielded or tested before the end of the preceding fiscal year.''; and

(3) in paragraph (3), as redesignated by paragraph (1) of this subsection, by inserting ''and the characterization under paragraph (2)'' after ''the assessment under paragraph (1)''.

(b) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows: ''ANNUAL OT&E ASSESSMENT AND CHARACTERIZATION OF CERTAIN BALLISTIC MISSILE DEFENSE MATTERS.—''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 235. INDEPENDENT ASSESSMENT OF BOOST-PHASE MISSILE DEFENSE PROGRAMS.

(a) INDEPENDENT ASSESSMENT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with the National Academy of Sciences under which the Academy shall conduct an independent assessment of the boost-phase ballistic missile defense programs of the United States.

(b) ELEMENTS.—The assessment required by subsection (a) shall consider the following:

(1) The extent to which boost-phase missile defense is feasible, practical, and affordable.

(2) Whether any of the existing boost-phase missile defense technology demonstration efforts of the Department of Defense (particularly the Airborne Laser and the Kinetic Energy Interceptor) have a high probability of performing a boost-phase missile defense mission in an operationally effective, suitable, survivable, and affordable manner.

(c) FACTORS TO BE CONSIDERED.—In conducting the assessment required by subsection (a), the factors considered by the National Academy of Sciences shall include, but not be limited to, the following:

(1) Operational considerations, including the need and ability to be deployed in a particular operational position at a particular time to be effective.

(2) Geographic considerations, including limitations on the ability to deploy systems within operational range of potential targets.

(3) Command and control considerations, including short timelines for detection, decision-making, and engagement.

(4) Concepts of operations.

(5) Whether there is a potential for an engaged threat missile or warhead to land on an unintended target outside of the launching nation.

(6) Effectiveness against countermeasures, and mission effectiveness in destroying threat missiles and their warheads.

(7) Reliability, availability, and maintainability.

(8) Cost and cost-effectiveness.

(9) Force structure requirements.

(d) REPORT.—

(1) IN GENERAL.—Upon the completion of the assessment required by subsection (a), the National Academy of Sciences shall submit to the Secretary of Defense and the congressional defense committees a report on the results of the assessment. The report shall include such recommendations regarding the future direction of the boost-phase ballistic missile defense programs of the United States as the Academy considers appropriate.

(2) FORM.—The report under paragraph (1) shall be submitted to the congressional defense committees in unclassified form, but may include a classified annex.

(e) FUNDING.—Of the amount authorized to be appropriated for fiscal year 2009 by section 201(4) for research, development, test, and evaluation for Defense-wide activities and available for the Missile Defense Agency, $3,500,000 is available for the assessment required by subsection (a).

SEC. 236. STUDY ON SPACE-BASED INTERCEPTOR ELEMENT OF BALLISTIC MISSILE DEFENSE SYSTEM.

(a) IN GENERAL.—Not later than 75 days after the date of the enactment of this Act, the Secretary of Defense shall, after consultation with the chair and ranking member of the Committee on Armed Services of the Senate and of the Committee on Armed Services of the House of Representatives, enter into a contract with one or more independent entities under which the entity or entities shall conduct an independent assessment of the feasibility and advisability of developing a space-based interceptor element to the ballistic missile defense system.

(b) ELEMENTS.—The study required under subsection (a) shall include the following:

(1) An assessment of the need for a space-based interceptor element to the ballistic missile defense system, including an assessment of—

(A) the extent to which there is a ballistic missile threat that—

(i) such a space-based interceptor element would address; and

(ii) other elements of the ballistic missile defense system would not address;

(B) whether other elements of the ballistic missile defense system could be modified to meet the threat described in subparagraph (A) and the modifications necessary for such elements to meet that threat; and

(C) any other alternatives to the development of such a space-based interceptor element.

(2) An assessment of the components and capabilities and the maturity of critical technologies necessary to make such a space-based interceptor element operational.

(3) An estimate of the total cost for the life cycle of such a space-based interceptor element, including the costs of research, development, demonstration, procurement, deployment, and launching of the element.

(4) An assessment of the effectiveness of such a space-based interceptor element in intercepting ballistic missiles and the survivability of the element in case of attack.

(5) An assessment of possible debris generated from the use or testing of such a space-based interceptor element and any effects of such use or testing on other space systems.

(6) An assessment of any treaty or policy implications of the development or deployment of such a space-based interceptor element.

(7) An assessment of any command, control, or battle management considerations of using such a space-based interceptor element, including estimated timelines for the detection of ballistic missiles, decision-making with respect to the use of the element, and interception of the missile by the element.

(c) REPORT.—

(1) SUBMITTAL.—Upon completion of the independent assessment required under subsection (a), the entity or entities conducting the assessment shall submit contemporaneously to the Secretary of Defense, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives a report setting forth the results of the assessment.

(2) COMMENTS.—Not later than 60 days after the date on which the Secretary of Defense receives the report required under paragraph (1), the Secretary may submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives any comments on the report or any recommendations of the Secretary resulting from the report.

(3) FORM.—The report required under paragraph (1) and any comments and recommendations submitted under paragraph (2) shall be submitted in unclassified form, but may include a classified annex.

(d) FUNDING.—Of the amount authorized to be appropriated for fiscal year 2009 by section 201(4) for research, development, test, and evaluation for Defense-wide activities and available for the Missile Defense Agency, $5,000,000 shall be available to carry out the study required under subsection (a).

SEC. 237. ACTIVATION AND DEPLOYMENT OF AN/TPY–2 FORWARD-BASED X-BAND RADAR.

(a) AVAILABILITY OF FUNDS.—Subject to subsection (b), of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, up to $89,000,000 may be available for Ballistic Missile Defense Sensors for the activation and deployment of the AN/TPY–2 forward-based X-band radar to a classified location.

(b) LIMITATION.—

(1) IN GENERAL.—Funds may not be available under subsection (a) for the purpose specified in that subsection until the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a report on the deployment of the AN/TPY–2 forward-based X-band radar as described in that subsection, including:

(A) The location of deployment of the radar.

(B) A description of the operational parameters of the deployment of the radar, including planning for force protection.

(C) A description of any recurring and nonrecurring expenses associated with the deployment of the radar.

(D) A description of the cost-sharing arrangements between the United States and the country in which the radar will be deployed regarding the expenses described in subparagraph (C).

(E) A description of the other terms and conditions of the agreement between the United States and such country regarding the deployment of the radar.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

Subtitle D—Other Matters

SEC. 251. MODIFICATION OF SYSTEMS SUBJECT TO SURVIVABILITY TESTING BY THE DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

(a) AUTHORITY TO DESIGNATE ADDITIONAL SYSTEMS AS MAJOR SYSTEMS AND PROGRAMS SUBJECT TO TESTING.—Section 2366(e)(1) of title 10, United States Code, is amended by striking ''or conventional weapon system'' and inserting ''conventional weapon system, or other system or program designated by the Director of Operational Test and Evaluation for purposes of this section''.

(b) FORCE PROTECTION EQUIPMENT.—Section 139(b) of such title is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively.

SEC. 252. BIENNIAL REPORTS ON JOINT AND SERVICE CONCEPT DEVELOPMENT AND EXPERIMENTATION.

(a) IN GENERAL.—Section 485 of title 10, United States Code, is amended to read as follows:

''§ 485. Joint and service concept development and experimentation

''(a) BIENNIAL REPORTS REQUIRED.—Not later than January 1 of each even numbered-year, the Commander of the United States Joint Forces Command shall submit to the congressional defense committees a report on the conduct and outcomes of joint and service concept development and experimentation.

''(b) MATTERS TO BE INCLUDED.—Each report under subsection (a) shall include the following:

''(1) A description of any changes since the latest report submitted under this section to each of the following:

''(A) The authority and responsibilities of the Commander of the United States Joint Forces Command with respect to joint concept development and experimentation.

''(B) The organization of the Department of Defense responsible for executing the mission of joint concept development and experimentation.

''(C) The process for tasking forces (including forces designated as joint experimentation forces) to participate in joint concept development and experimentation and the specific authority of the Commander over those forces.

''(D) The resources provided for initial implementation of joint concept development and experimentation, the process for providing such resources to the Commander, the categories of funding for joint concept development and experimentation, and the authority of the Commander for budget execution for joint concept development and experimentation activities.

''(E) The process for the development and acquisition of materiel, supplies, services, and equipment necessary for the conduct of joint concept development and experimentation.

''(F) The process for designing, preparing, and conducting joint concept development and experimentation.

''(G) The assigned role of the Commander for—

''(i) integrating and testing in joint concept development and experimentation the systems that emerge from warfighting experimentation by the armed forces and the Defense Agencies;

''(ii) assessing the effectiveness of organizational structures, operational concepts, and technologies relating to joint concept development and experimentation; and

''(iii) assisting the Secretary of Defense and the Chairman of the Joint Chiefs of Staff in setting priorities for requirements or acquisition programs in light of joint concept development and experimentation.

''(2) A description of the conduct of joint concept development and experimentation activities during the two-year period ending on the date of such report, including—

''(A) the funding involved;

''(B) the number of activities engaged in;

''(C) the forces involved;

''(D) the national and homeland security challenges addressed;

''(E) the operational concepts assessed;

''(F) the technologies assessed;

''(G) the scenarios and measures of effectiveness utilized; and

''(H) specific interactions under such activities with commanders of other combatant commands and with other organizations and entities inside and outside the Department.

''(3) A description of the conduct of concept development and experimentation activities of the military departments during the two-year period ending on the date of such report, including—

''(A) the funding involved;

''(B) the number of activities engaged in;

''(C) the forces involved;

''(D) the national and homeland security challenges addressed;

''(E) the operational concepts assessed;

''(F) the technologies assessed;

''(G) the scenarios and measures of effectiveness utilized; and

''(H) specific interactions under such activities with commanders of the combatant commands and with other organizations and entities inside and outside the Department.

''(4) A description of the conduct of joint concept development and experimentation, and of concept development and experimentation of the military departments, during the two-year period ending on the date of such report with respect to the development of warfighting concepts for operational scenarios more than 10 years in the future, including—

''(A) the funding involved;

''(B) the number of activities engaged in;

''(C) the forces involved;

''(D) the challenges addressed;

''(E) the operational concepts assessed;

''(F) the technologies assessed;

''(G) the scenarios and measures of effectiveness utilized; and

''(H) specific interactions with commanders of other combatant commands and with other organizations and entities inside and outside the Department.

''(5) A description of the mechanisms used to coordinate joint, service, interagency, Coalition, and other appropriate concept development and experimentation activities.

''(6) An assessment of the return on investment in concept development and experimentation activities, including a description of the following:

''(A) Specific outcomes and impacts within the Department of the results of past joint and service concept development and experimentation in terms of new doctrine, operational concepts, organization, training, materiel, leadership, personnel, or the allocation of resources, or in activities that terminated support for legacy concepts, programs, or systems.

''(B) Specific actions taken by the Secretary of Defense to implement the recommendations of the Commander based on concept development and experimentation activities.

''(7) Such recommendations (based primarily based on the results of joint and service concept development and experimentation) as the Commander considers appropriate for enhancing the development of joint warfighting capabilities by modifying activities throughout the Department relating to—

''(A) the development or acquisition of specific advanced technologies, systems, or weapons or systems platforms;

''(B) key systems attributes and key performance parameters for the development or acquisition of advanced technologies and systems;

''(C) joint or service doctrine, organization, training, materiel, leadership development, personnel, or facilities;

''(D) the reduction or elimination of redundant equipment and forces, including the synchronization of the development and fielding of advanced technologies among the

armed forces to enable the development and execution of joint operational concepts; and

''(E) the development or modification of initial capabilities documents, operational requirements, and relative priorities for acquisition programs to meet joint requirements.

''(8) With respect to improving the effectiveness of joint concept development and experimentation capabilities, such recommendations (based primarily on the results of joint warfighting experimentation) as the Commander considers appropriate regarding—

''(A) the conduct of, adequacy of resources for, or development of technologies to support such capabilities; and

''(B) changes in authority for acquisition of materiel, supplies, services, equipment, and support from other elements of the Department of Defense for concept development and experimentation by joint or service organizations.

''(9) The coordination of the concept development and experimentation activities of the Commander of the United States Joint Forces Command with the activities of the Commander of the North Atlantic Treaty Organization Supreme Allied Command Transformation.

''(10) Any other matters that the Commander consider appropriate.

''(c) COORDINATION AND SUPPORT.—The Secretary of Defense shall ensure that the Secretaries of the military departments and the heads of other appropriate elements of the Department of Defense provide the Commander of the United States Joint Forces Command such information and support as is required to enable the Commander to prepare the reports required by subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of such title is amended by striking the item relating to section 485 and inserting the following new item:

''485. Joint and service concept development and experimentation.''.

SEC. 253. REPEAL OF ANNUAL REPORTING REQUIREMENT RELATING TO THE TECHNOLOGY TRANSITION INITIATIVE.

Section 2359a of title 10, United States Code, is amended—

(1) by striking subsection (h); and

(2) by redesignating subsection (i) as subsection (h).

SEC. 254. EXECUTIVE AGENT FOR PRINTED CIRCUIT BOARD TECHNOLOGY.

(a) EXECUTIVE AGENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall designate a senior official of the Department of Defense to act as the Executive Agent of the Department of Defense for printed circuit board technology.

(b) SPECIFICATION OF ROLES, RESPONSIBILITIES, AND AUTHORITIES.—The roles, responsibilities, and authorities of the Executive Agent designated under subsection (a) shall be as described in a directive issued by the Secretary of Defense for purposes of this section not later than one year after the date of the enactment of this Act.

(c) PARTICULAR ROLES AND RESPONSIBILITIES.—The roles and responsibilities described under subsection (b) for the Executive Agent designated under subsection (a) shall include the following:

(1) To develop and maintain a printed circuit board and interconnect technology roadmap that assures that the Department of Defense has access to manufacturing capabilities and expertise and technological capabilities necessary to meet future military requirements.

(2) To develop and recommend to the Secretary of Defense funding strategies that meet the recapitalization and investment requirements of the Department for printed circuit board and interconnect technology, which strategies shall be consistent with the roadmap developed under paragraph (1).

(3) To assure that continuing expertise in printed circuit board technical is available to the Department.

(4) To assess the vulnerabilities, trustworthiness, and diversity of the printed circuit board supply chain, including the development of trustworthiness requirements for printed circuit boards used in defense systems, and to develop strategies to address matters in that supply chain that are identified as a result of such assessment.

(5) To support technical assessments and analyses, especially with respect to acquisition decisions and planning, relating to printed circuit boards

(6) Such other roles and responsibilities as the Secretary considers appropriate.

(d) RESOURCES AND AUTHORITIES.—The Secretary of Defense shall ensure that the Executive Agent designated under subsection (a) has the appropriate resources and authorities to perform the roles and responsibilities of the Executive Agent under this section.

(e) SUPPORT WITHIN DEPARTMENT OF DEFENSE.—The Secretary of Defense shall ensure that the Executive Agent designated under subsection (a) has such support from the military departments, Defense Agencies, and other components of the Department of Defense as is required for the Executive Agent to perform the roles and responsibilities of the Executive Agent under this section.

SEC. 255. REPORT ON DEPARTMENT OF DEFENSE RESPONSE TO FINDINGS AND RECOMMENDATIONS OF THE DEFENSE SCIENCE BOARD TASK FORCE ON DIRECTED ENERGY WEAPONS.

(a) REPORT REQUIRED.—Not later than January 1, 2010, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the implementation of the recommendations of the Defense Science Board Task Force on Directed Energy Weapons.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An analysis of each of the findings and recommendations of the Defense Science Board Task Force on Directed Energy Weapons.

(2) A detailed description of the response of the Department of Defense to each finding and recommendation of the Task Force, including—

(A) for each recommendation that is being implemented or that the Secretary plans to implement—

(i) a summary of actions that have been taken to implement such recommendation; and

(ii) a schedule, with specific milestones, for completing the implementation of such recommendation; and

(B) for each recommendation that the Secretary does not plan to implement—

(i) the reasons for the decision not to implement such recommendation; and

(ii) a summary of the alternative actions, if any, the Secretary plans to take to address the purposes underlying such recommendation, if any.

(3) A summary of any additional actions, if any, the Secretary plans to take to address concerns raised by the Task Force, if any.

SEC. 256. ASSESSMENT OF STANDARDS FOR MISSION CRITICAL SEMICONDUCTORS PROCURED BY THE DEPARTMENT OF DEFENSE.

(a) ASSESSMENT OF METHODS FOR VERIFICATION OF TRUST OF SEMICONDUCTORS PROCURED FROM COMMERCIAL SOURCES.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall conduct an assessment of various methods for verification of trust of the semiconductors procured by the Department of Defense from commercial sources for utilization in mission critical components of potentially vulnerable defense systems.

(b) ELEMENTS.—The assessment required by subsection (a) shall include the following:

(1) An identification of various existing methods for verification of trust of semiconductors that are suitable for Department of Defense purposes as described in subsection (a).

(2) An identification of various methods for verification of trust of semiconductors that are currently under development and have promise for suitability for Department of Defense purposes as described in subsection (a), including methods under development at the Defense Agencies, the national laboratories, and institutions of higher education, and in the private sector.

(3) A determination of the most suitable methods identified under paragraphs (1) and (2) for Department of Defense purposes as described in subsection (a).

(4) An assessment of additional research and technology development efforts necessary to develop methods for verification of trust of semiconductors to meet the needs of the Department of Defense.

(5) Any other matters that the Under Secretary considers appropriate for the verification of trust of semiconductors from commercial sources for utilization in mission critical components of any category or categories of vulnerable defense systems.

(c) CONSULTATION.—The Under Secretary shall conduct the assessment required by subsection (a) in consultation with appropriate elements of the Department of Defense, the intelligence community, private industry, and academia.

(d) EFFECTIVE DATE.—The assessment required by subsection (a) shall be completed not later than December 31, 2009.

(e) UPDATE.—The Under Secretary shall from time to time update the assessment required by subsection (a) to take into account advances in technology.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense, for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $31,282,460,000.

(2) For the Navy, $34,811,598,000.

(3) For the Marine Corps, $5,607,354,000.

(4) For the Air Force, $35,244,587,000.

(5) For Defense-wide activities, $25,926,564,000.

(6) For the Army Reserve, $2,642,641,000.

(7) For the Navy Reserve, $1,311,085,000.

(8) For the Marine Corps Reserve, $213,131,000.

(9) For the Air Force Reserve, $3,142,892,000.

(10) For the Army National Guard, $5,909,846,000.

(11) For the Air National Guard, $5,883,926,000.

(12) For the United States Court of Appeals for the Armed Forces, $13,254,000.

(13) For Environmental Restoration, Army, $447,776,000.

(14) For Environmental Restoration, Navy, $290,819,000.

(15) For Environmental Restoration, Air Force, $496,277,000.

(16) For Environmental Restoration, Defense-wide, $13,175,000.

(17) For Environmental Restoration, Formerly Used Defense Sites, $257,796,000.

(18) For Overseas Humanitarian, Disaster and Civic Aid programs, $83,273,000.

(19) For Cooperative Threat Reduction programs, $434,135,000.

(20) For Overseas Contingency Operations Transfer Fund, $9,101,000.

Subtitle B—Environmental Provisions

SEC. 311. EXPANSION OF COOPERATIVE AGREEMENT AUTHORITY FOR MANAGEMENT OF NATURAL RESOURCES TO INCLUDE OFF-INSTALLATION MITIGATION.

Section 103a(a) of the Sikes Act (16 U.S.C. 670c–1(a)) is amended by striking ''to provide for the maintenance and improvement'' and all that follows through the period at the end and inserting the following: ''to provide for one or both of the following:

''(1) The maintenance and improvement of natural resources on, or to benefit natural and historic research on, Department of Defense installations.

''(2) The maintenance and improvement of natural resources outside of Department of Defense installations if the purpose of the cooperative agreement is to relieve or eliminate current or anticipated challenges that could restrict, impede, or otherwise interfere, whether directly or indirectly, with current or anticipated military activities.''.

SEC. 312. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH MOSES LAKE WELLFIELD SUPERFUND SITE, MOSES LAKE, WASHINGTON.

(a) AUTHORITY TO REIMBURSE.—

(1) TRANSFER AMOUNT.—Using funds described in subsection (b), the Secretary of Defense may, notwithstanding section 2215 of title 10, United States Code, transfer not more than $64,049.40 to the Moses Lake Wellfield Superfund Site 10–6J Special Account.

(2) PURPOSE OF REIMBURSEMENT.—The payment under paragraph (1) is to reimburse the Environmental Protection Agency for its costs incurred in overseeing a remedial investigation/feasibility study performed by the Department of the Army under the Defense Environmental Restoration Program at the former Larson Air Force Base, Moses Lake Superfund Site, Moses Lake, Washington.

(3) INTERAGENCY AGREEMENT.—The reimbursement described in paragraph (2) is provided for in the interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Moses Lake Wellfield Superfund Site in March 1999.

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(17) for operation and maintenance for Environmental Restoration, Formerly Used Defense Sites.

(c) USE OF FUNDS.—The Environmental Protection Agency shall use the amount transferred under subsection (a) to pay costs incurred by the Agency at the Moses Lake Wellfield Superfund Site.

SEC. 313. COMPREHENSIVE PROGRAM FOR THE ERADICATION OF THE BROWN TREE SNAKE POPULATION FROM MILITARY FACILITIES IN GUAM.

The Secretary of Defense shall establish a comprehensive program to control and, to the extent practicable, eradicate the brown tree snake population from military facilities in Guam and to ensure that military activities, including the transport of civilian and military personnel and equipment to and from Guam, do not contribute to the spread of brown tree snakes.

Subtitle C—Workplace and Depot Issues

SEC. 321. AUTHORITY TO CONSIDER DEPOT-LEVEL MAINTENANCE AND REPAIR USING CONTRACTOR FURNISHED EQUIPMENT OR LEASED FACILITIES AS CORE LOGISTICS.

Section 2474 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(h) CONSIDERATION OF DEPOT LEVEL MAINTENANCE AND REPAIR USING CONTRACTOR FURNISHED EQUIPMENT OR LEASED FACILITIES AS CORE LOGISTICS.—Depot-level maintenance and repair work performed at a Center of Industrial and Technical Excellence by Federal Government employees using equipment furnished by contractors or by Federal Government employees utilizing facilities leased by the Government may be considered as workload necessary to maintain core logistics capability for purposes of section 2464 of this title if the depot-level maintenance and repair workload is the subject of a public-private partnership entered into pursuant to subsection (b).''.

SEC. 322. MINIMUM CAPITAL INVESTMENT FOR CERTAIN DEPOTS.

(a) ADDITIONAL ARMY DEPOTS.—Subsection (e)(1) of section 2476 of title 10, United States Code, is amended by adding at the end the following new subparagraphs:

''(F) Watervliet Arsenal, New York.

''(G) Rock Island Arsenal, Illinois.

''(H) Pine Bluff Arsenal, Arkansas.''.

(b) SEPARATE CONSIDERATION AND REPORTING OF NAVY DEPOTS AND MARINE CORPS DEPOTS.—Such section is further amended—

(1) in subsection (d)(2), by adding at the end the following new subparagraph:

''(D) Separate consideration and reporting of Navy Depots and Marine Corps depots.''; and

(2) in subsection (e)(2)—

(A) by redesignating subparagraphs (A) through (G) as clauses (i) through (vii), respectively, and indenting the margins of such clauses, as so redesignated, 6 ems from the left margin;

(B) by inserting after ''Department of the Navy:'' the following:

''(A) The following Navy depots:'';

(C) by inserting after clause (vii), as redesignated by subparagraph (A), the following:

''(B) The following Marine Corps depots:''; and

(D) by redesignating subparagraphs (H) and (I) as clauses (i) and (ii), respectively, and indenting the margins of such clauses, as so redesignated, 6 ems from the left margin.

Subtitle D—Reports

SEC. 331. ADDITIONAL INFORMATION UNDER ANNUAL SUBMISSIONS OF INFORMATION REGARDING INFORMATION TECHNOLOGY CAPITAL ASSETS.

Section 351 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2516; 10 U.S.C. 221 note) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''$30,000,000 and an estimated total life cycle cost'' and inserting ''$30,000,000 or an estimated total life cycle cost''; and

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

''(3) Information technology capital assets not covered by paragraphs (1) and (2) that have been determined by the Chief Information Officer of the Department of Defense to be significant investments.'';

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following new subsection (d):

''(d) REQUIRED INFORMATION FOR SIGNIFICANT INVESTMENTS.—With respect to each information technology capital asset not covered by paragraph (1) or (2) of subsection (a), but covered by paragraph (3) of that subsection, the Secretary of Defense shall include such information in a format that is appropriate to the current status of such asset.''.

Subtitle E—Other Matters

SEC. 341. MITIGATION OF POWER OUTAGE RISKS FOR DEPARTMENT OF DEFENSE FACILITIES AND ACTIVITIES.

(a) RISK ASSESSMENT.—The Secretary of Defense shall conduct a comprehensive technical and operational risk assessment of the risks posed to mission critical installations, facilities, and activities of the Department of Defense by extended power outages resulting from failure of the commercial electricity grid and related infrastructure.

(b) RISK MITIGATION PLANS.—

(1) IN GENERAL.—The Secretary of Defense shall develop integrated prioritized plans to eliminate, reduce, or mitigate significant risks identified in the risk assessment under subsection (a).

(2) MITIGATION GOALS.—In developing the risk mitigation plans under paragraph (1), the Secretary of Defense shall prioritize the mission critical installations, facilities, and activities that are subject to the greatest and most urgent risks.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—The Secretary of Defense shall submit a report on the efforts of the Department of Defense to mitigate the risks described in subsection (a) as part of the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2010 and each fiscal year thereafter (as submitted with the budget of the President under section 1105(a) of title 31, United States Code).

(2) CONTENT.—Each report submitted under paragraph (1) shall describe the integrated prioritized plans developed under subsection (b) and the progress made toward achieving the goals established under such subsection.

SEC. 342. INCREASED AUTHORITY TO ACCEPT FINANCIAL AND OTHER INCENTIVES RELATED TO ENERGY SAVINGS AND NEW AUTHORITY RELATED TO ENERGY SYSTEMS.

(a) ENERGY SAVINGS.—Section 2913(c) of title 10, United States Code, is amended by inserting ''or a State or local government'' after ''gas or electric utility''.

(b) ENERGY SYSTEMS.—Section 2915 of such title is amended by adding at the end the following new subsection:

''(f) ACCEPTANCE OF FINANCIAL INCENTIVES, FINANCIAL ASSISTANCE, AND SERVICES.—The Secretary of Defense may authorize any military installation to accept any financial incentive, financial assistance, or services generally available from a gas or electric utility or State or local government to use or construct an energy system using solar energy or other renewable form of energy if the use or construction of the system is consistent with the energy performance goals and energy performance plan for the Department of Defense developed under section 2911 of this title.''.

SEC. 343. RECOVERY OF IMPROPERLY DISPOSED OF DEPARTMENT OF DEFENSE PROPERTY.

(a) IN GENERAL.—Chapter 165 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2790. Recovery of improperly disposed of Department of Defense property

''(a) PROHIBITION.—No member of the armed forces, civilian employee of the United States Government, contractor personnel, or other person may sell, lend, pledge, barter, or give any clothing, arms, articles, equipment, or other military or Department of Defense property except in accordance with the statutes and regulations governing Government property.

''(b) TRANSFER OF TITLE OR INTEREST INEFFECTIVE.—If property has been disposed of in violation of subsection (a), the person holding the property has no right or title to, or interest in, the property.

''(c) AUTHORITY FOR SEIZURE OF IMPROPERLY DISPOSED OF PROPERTY.—If any person is in the possession of military or Department of Defense property without right or title to, or interest in, the property because it has been disposed of in violation of subsection (a), any Federal, State, or local law enforcement official may seize the property wherever found.

''(d) INAPPLICABILITY TO CERTAIN PROPERTY.—Subsections (b) and (c) shall not apply to property on public display by public or private collectors or museums in secured exhibits.

''(e) DETERMINATIONS OF VIOLATIONS.—(1) The appropriate district court of the United States shall have jurisdiction, regardless of the current approximated or estimated value of the property, to determine whether property was disposed of in violation of subsection (a). Any such determination shall be by a preponderance of the evidence.

''(2) In the case of property, the possession of which could undermine national security or create a hazard to public health or safety, the determination under paragraph (1) may be made after the seizure of the property. If the person from whom the property is seized is found to have been lawfully in possession of the property and the return of the property could undermine national security or create a hazard to public health or safety, the Secretary of Defense shall reimburse the person for the fair value for the property.

''(f) DELIVERY OF SEIZED PROPERTY.—Any law enforcement official who seizes property under subsection (c) and is not authorized to retain it for the United States shall deliver the property to an authorized member of the armed forces or other authorized official of the Department of Defense or the Department of Justice.

''(g) RETROACTIVE ENFORCEMENT AUTHORIZED.—This section shall apply to any military or Department of Defense property that is disposed of on or after January 1, 2002, in a manner that is not in accordance with statutes and regulations governing Government property in effect at the time of the disposal of the property.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 165 of such title is amended by inserting the following new item:

''2790. Recovery of improperly disposed of Department of Defense property.''.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2009, as follows:

(1) The Army, 532,400.
(2) The Navy, 325,300.
(3) The Marine Corps, 194,000.
(4) The Air Force, 316,771.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2009, as follows:

(1) The Army National Guard of the United States, 352,600.
(2) The Army Reserve, 205,000.
(3) The Navy Reserve, 66,700.
(4) The Marine Corps Reserve, 39,600.
(5) The Air National Guard of the United States, 106,756.
(6) The Air Force Reserve, 67,400.
(7) The Coast Guard Reserve, 10,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2009, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 29,950.
(2) The Army Reserve, 16,170.
(3) The Navy Reserve, 11,099.
(4) The Marine Corps Reserve, 2,261.
(5) The Air National Guard of the United States, 14,360.
(6) The Air Force Reserve, 2,733.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2009 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 8,395.
(2) For the Army National Guard of the United States, 27,210.
(3) For the Air Force Reserve, 10,003.
(4) For the Air National Guard of the United States, 22,459.

SEC. 414. FISCAL YEAR 2009 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2009, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2009, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2009, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term ''non-dual status technician'' has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2009, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.
(2) The Army Reserve, 13,000.
(3) The Navy Reserve, 6,200.
(4) The Marine Corps Reserve, 3,000.
(5) The Air National Guard of the United States, 16,000.
(6) The Air Force Reserve, 14,000.

SEC. 416. 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.

(a) RESERVES ON ACTIVE DUTY IN SUPPORT OF ARMY NATIONAL GUARD AND ARMY RESERVE.—Notwithstanding the limitations specified in section 412 and subject to the provisions of this section, the number of Reserves authorized as of September 30, 2009, to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for purposes of organizing, administering, recruiting, instructing, or training the reserve components shall be the number as follows:

(1) In the case of the Army National Guard of the United States, the number authorized by section 412(1), plus an additional 2,110 Reserves.

(2) In the case of the Army Reserve, the number authorized by section 412(2), plus an additional 91 Reserves.

(b) MILITARY TECHNICIANS (DUAL STATUS) OF ARMY NATIONAL GUARD.—Notwithstanding the limitation specified in section 413(2) and subject to the provisions of this section, the minimum number of military technicians (dual status) as of September 30, 2009, for the Army National Guard of the United States (notwithstanding section 129 of title 10, United States Code) shall be the number otherwise specified in section 413(2), plus such additional number, not to exceed 1,170, military technicians (dual status) as the Secretary of the Army considers appropriate.

(c) ASSIGNMENT OF PERSONNEL UNDER ADDITIONAL END STRENGTHS.—Any personnel on duty or service under the additional end strengths authorized by subsection (a) or (b) may only be assigned to units of company size or below.

(d) FUNDING.—The costs of any personnel under the additional end strengths authorized by subsection (a) or (b) shall be paid from funds authorized to be appropriated for fiscal year 2009 by titles XV and XVI.

SEC. 417. MODIFICATION OF AUTHORIZED STRENGTHS FOR MARINE CORPS RESERVE OFFICERS ON ACTIVE DUTY IN THE GRADES OF MAJOR AND LIEUTENANT COLONEL TO MEET NEW FORCE STRUCTURE REQUIREMENTS.

(a) AUTHORIZED STRENGTHS FOR MAJORS.—The table in section 12011(a)(1) of title 10, United States Code, is amended by striking the numbers in the column relating to ''Major'' in the items relating to the Marine Corps Reserve and inserting the following new numbers:

''99
''103
''107
''111
''114
''117

''120
''123
''126
''129
''132
''134
''136
''138
''140
''142''.

(b) AUTHORIZED STRENGTHS FOR LIEUTENANT COLONELS.—The table in section 12011(a)(1) of such title is further amended by striking the numbers in the column relating to ''Lieutenant Colonel'' in the items relating to the Marine Corps Reserve and inserting the following new numbers:

''63
''67
''70
''73
''76
''79
''82
''85
''88
''91
''94
''97
''100
''103
''106
''109''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2009 for the Department of Defense for military personnel amounts as follows:

(1) For military personnel, $114,152,040,000.

(2) For contributions to the Medicare-Eligible Retiree Health Fund, $10,350,593,000.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2009.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. MODIFICATION OF DISTRIBUTION REQUIREMENTS FOR COMMISSIONED OFFICERS ON ACTIVE DUTY IN GENERAL AND FLAG OFFICER GRADES.

(a) INCREASE IN NUMBER OF OFFICERS SERVING IN GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.—Subsection (b) of section 525 of title 10, United States Code, is amended by striking ''16.3 percent'' each place it appears in paragraphs (1) and (2)(A) and inserting ''16.4 percent''.

(b) EXCLUSION OF CERTAIN RESERVE OFFICERS.—Such section is further amended by adding at the end the following new subsection:

''(g) The limitations of this section do not apply to a reserve general or flag officer who is on active duty under a call or order to active duty specifying a period of active duty of not longer than three years.''.

SEC. 502. MODIFICATION OF LIMITATIONS ON AUTHORIZED STRENGTHS OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.

(a) GENERAL LIMITATIONS.—Subsection (a) of section 526 of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

''(1) For the Army, 222.
''(2) For the Navy, 159.
''(3) For the Air Force, 206.
''(4) For the Marine Corps, 59.''.

(b) LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS.—Subsection (b) of such section is amended to read as follows:

''(b) LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS.—(1) The Secretary of Defense may designate up to 324 general officer and flag officer positions that are joint duty assignments for the purposes of chapter 38 of this title for exclusion from the limitations in subsection (a). Officers in positions so designated shall not be counted for the purposes of those limitations.

''(2) Unless the Secretary of Defense determines that a lower number is in the best interests of the nation, the minimum number of officers serving in positions designated under paragraph (1) for each armed force shall be as follows:

''(A) For the Army, 85.
''(B) For the Navy, 61.
''(C) For the Air Force, 76.
''(D) For the Marine Corps, 21.''.

(c) TEMPORARY EXCLUSION FOR CERTAIN TEMPORARY BILLETS.—Such section is further amended by inserting after subsection (b), as amended by subsection (b) of this section, the following new subsection:

''(c) TEMPORARY EXCLUSION FOR ASSIGNMENT TO CERTAIN TEMPORARY BILLETS.—(1) The limitations in subsection (a) do not apply to a general or flag officer assigned to a temporary joint duty assignment billet designated by the Secretary of Defense for purposes of this section.

''(2) A general or flag officer assigned to a temporary joint duty assignment as described in paragraph (1) may not be excluded under this subsection from the limitations in subsection (a) for a period longer than one year.''.

(d) CONFORMING REPEAL OF LIMITATION ON NUMBER OF GENERAL AND FLAG OFFICERS WHO MAY SERVE IN POSITIONS OUTSIDE THEIR OWN SERVICE.—

(1) REPEAL.—Section 721 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by striking the item relating to section 721.

(e) ACQUISITION AND CONTRACTING BILLETS.—The Secretary of Defense, the Secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, and the chiefs of staff of the Armed Forces shall take appropriate actions to ensure that—

(1) not less than 12 percent of all general officers and flag officers in the Armed Forces generally, and in each Armed Force (as applicable), serve in an acquisition position; and

(2) not less than 10 percent of all general officers and flag officers in the Armed Forces generally, and in each Armed Force (as applicable), who serve in an acquisition position have significant contracting experience.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on January 1, 2010.

SEC. 503. CLARIFICATION OF JOINT DUTY REQUIREMENTS FOR PROMOTION TO GENERAL OR FLAG GRADES.

(a) IN GENERAL.—Subsection (a) of section 619a of title 10, United States Code, is amended by striking ''unless—'' and all that follows and inserting ''unless the officer has been designated as a joint qualified officer in accordance with section 661 of this title.''.

(b) EXCEPTIONS.—Subsection (b) of such section is amended—

(1) in the matter preceding paragraph (1), by striking ''paragraph (1) or paragraph (2) of subsection (a), or both paragraphs (1) and (2) of subsection (a),'' and inserting ''subsection (a)''; and

(2) in paragraph (4), by striking ''if the officer's'' and all that follows and inserting ''if—

''(A) the officer's total consecutive years in joint duty assignments is not less than two years; and

''(B) the officer has successfully completed a program of education meeting the requirements for Phase II joint professional military education under subsections (b) and (c) of section 2155 of this title''.

(c) REPEAL OF SPECIAL RULE FOR NUCLEAR PROPULSION OFFICERS.—Such section is further amended by striking subsection (h).

(d) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 619a. Eligibility for consideration for promotion: joint qualified officer designation required for promotion to general or flag grade; exceptions''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 36 of such title is amended by striking the item relating to section 619a and inserting the following new item:

''619a. Eligibility for consideration for promotion: joint qualified officer designation required for promotion to general or flag grade; exceptions.''.

SEC. 504. MODIFICATION OF AUTHORITIES ON LENGTH OF JOINT DUTY ASSIGNMENTS.

(a) SERVICE EXCLUDABLE FROM TOUR LENGTH REQUIREMENTS.—Subsection (d) of section 664 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking subparagraph (D) and inserting the following new subparagraph (D):

''(D) a qualifying reassignment from a joint duty assignment—

''(i) for unusual personal reasons (including extreme hardship and medical conditions) beyond the control of the officer or the armed forces; or

''(ii) to another joint duty assignment immediately after—

''(I) the officer was promoted to a higher grade, if the reassignment was made because no joint duty assignment was available within the same organization that was commensurate with the officer's new grade; or

''(II) the officer's position was eliminated in a reorganization.''; and

(2) by striking paragraph (3) and inserting the following new paragraph (3):

''(3) Service in a joint duty assignment in a case in which the officer's tour of duty in that assignment brings the officer's accrued service for purposes of subsection (f)(3) to the applicable standard prescribed in subsection (a).''.

(b) EXCLUSIONS OF SERVICE FROM COMPUTING AVERAGE TOUR LENGTHS.—Subsection (e) of such section is amended by striking paragraph (2) and inserting the following new paragraph (2):

''(2) In computing the average length of joint duty assignments for purposes of paragraph (1), the Secretary may exclude the following service:

''(A) Service described in subsection (c).
''(B) Service described in subsection (d).
''(C) Service described in subsection (f)(6).''.

(c) SERVICE CONTRIBUTING TOWARD FULL TOUR OF DUTY.—Subsection (f) of such section is amended—

(1) by striking paragraph (3) and inserting the following new paragraph (3):

''(3) Accrued joint experience in joint duty assignments as described in subsection (g).'';

(2) in paragraph (4), by striking ''(except that'' and all that follows through ''at any time)''; and

(3) by striking paragraph (6) and inserting the following new paragraph (6):

''(6) Any subsequent joint duty assignment that is less than the period required under subsection (a), but not less than two years.''.

(d) ACCRUAL OF JOINT EXPERIENCE.—Subsection (g) of such section is amended to read as follows:

''(g) ACCRUED JOINT EXPERIENCE.—Accrued joint experience that may be aggregated to equal a full tour of duty for purposes of subsection (f)(3) shall include such temporary duty in joint assignments, joint individual training, and participation in joint exercises, and for such periods, as shall be prescribed in regulations by the Secretary of Defense in consultation with the advice of the Chairman of the Joint Chiefs of Staff.''.

(e) CONSTRUCTIVE CREDIT.—Subsection (h) of such section is amended—

(1) in paragraph (1)—

(A) by striking ''accord'' and inserting ''award''; and

(B) by striking ''(f)(4), or (g)(2)'' and inserting ''or (f)(4)''; and

(2) by striking paragraph (3).

(f) REPEAL OF JOINT DUTY CREDIT FOR CERTAIN JOINT TASK FORCE ASSIGNMENTS.—Such section is further amended by striking subsection (i).

SEC. 505. TECHNICAL AND CONFORMING AMENDMENTS RELATING TO MODIFICATION OF JOINT SPECIALTY REQUIREMENTS.

(a) JOINT DUTY ASSIGNMENTS AFTER COMPLETION OF JOINT PROFESSIONAL MILITARY EDUCATION.—Section 663 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the heading, by striking ''JOINT SPECIALTY OFFICERS.—'' and inserting ''JOINT QUALIFIED OFFICERS.—''; and

(B) by striking ''officer with the joint specialty'' and inserting ''designated as a joint qualified officer''; and

(2) in subsection (b)(1), by striking ''do not have the joint specialty'' and inserting ''are not designated as joint qualified officers''.

(b) PROCEDURES FOR MONITORING CAREERS OF JOINT OFFICERS.—Section 665 of such title is amended—

(1) in subsection (a)(l)(A), by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''; and

(2) in subsection (b)(1), by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''.

(c) ANNUAL REPORTS.—Section 667 of such title is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''selected for the joint specialty'' and inserting ''designated as joint qualified officers''; and

(B) in subparagraph (B), by striking ''selection for the joint specialty but were not selected'' and inserting ''designation as joint qualified officers but were not designated'';

(2) in paragraph (2), by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers'';

(3) in paragraph (3), by striking ''selected for the joint specialty'' each place it appears and inserting ''designated as joint qualified officers'';

(4) in paragraph (4)—

(A) in subparagraph (A), by striking ''selected for the joint specialty'' and inserting ''designated as joint qualified officers''; and

(B) by striking subparagraph (B) and inserting the following new subparagraph (B):

''(B) a comparison of—

''(i) the number of officers designated as joint qualified officers who had served in a joint duty assignment list billet and completed Phase II joint professional military education; with

''(ii) the number of officers designated as joint qualified officers based on their aggregated joint experiences and completion of Phase II joint professional military education.'';

(5) by striking paragraph (16);

(6) by redesignating paragraphs (5) through (15) as paragraphs (6) through (16), respectively;

(7) by inserting after paragraph (4) the following new paragraph (5):

''(5) The promotion rate for officers from within the promotion zone who are designated as joint qualified officers compared with the promotion rate for other officers considered for promotion from within the promotion zone in the same pay grade and the same competitive category, shown for all officers of the armed force and for officers of the armed force concerned designated as joint qualified officers.'';

(8) in paragraph (7), as redesignated by paragraph (6) of this subsection—

(A) by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''; and

(B) by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(9) in paragraph (8), as so redesignated, by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(10) in paragraph (9), as so redesignated—

(A) by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''; and

(B) by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(11) in paragraph (10), as so redesignated—

(A) by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''; and

(B) by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(12) in paragraph (11), as so redesignated, by striking ''selection for the joint specialty'' and inserting ''designation as joint qualified officers'';

(13) in paragraph (14), as so redesignated—

(A) by striking ''paragraphs (5) through (9)'' and inserting ''paragraphs (6) through (10)''; and

(B) by striking ''having the joint specialty'' and inserting ''designated as joint qualified officers'';

(14) by redesignating paragraph (18) as paragraph (19); and

(15) by inserting after paragraph (17) the following new paragraph (18):

''(18) The number of officers in the grade of captain or above, or in the case of the Navy, lieutenant or above, certified at each level of joint qualification, with such numbers to be set forth separated for each armed force and for each covered grade of officer within each armed force.''.

SEC. 506. ELIGIBILITY OF RESERVE OFFICERS TO SERVE ON BOARDS OF INQUIRY FOR SEPARATION OF REGULAR OFFICERS FOR SUBSTANDARD PERFORMANCE AND OTHER REASONS.

(a) ELIGIBILITY.—Section 1187 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(2) in subsection (b), by striking ''on active duty'' in the matter preceding paragraph (1).

(b) CONFORMING AMENDMENT.—The heading of subsection (a) of such section is amended by striking ''ACTIVE DUTY OFFICERS'' and inserting ''IN GENERAL''.

SEC. 507. MODIFICATION OF AUTHORITY ON STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS.

(a) GRADE OF STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS.—Section 5046(a) of title 10, United States Code, is amended by striking the last sentence and inserting the following new sentence: ''The Staff Judge Advocate to the Commandant of the Marine Corps, while so serving, has the grade of major general.''.

(b) EXCLUSION FROM GENERAL OFFICER DISTRIBUTION LIMITATIONS.—Section 525(a) of such title is amended—

(1) by inserting ''(1)'' after ''(a)''; and

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

''(2) An officer while serving in the position of Staff Judge Advocate to the Commandant of the Marine Corps under section 5046 of this title is in addition to the number that would otherwise be permitted for the Marine Corps for officers in grades above the brigadier general under the first sentence of paragraph (1).''.

SEC. 508. INCREASE IN NUMBER OF PERMANENT PROFESSORS AT THE UNITED STATES AIR FORCE ACADEMY.

Section 9331(b)(4) of title 10, United States Code, is amended by striking ''21 permanent professors'' and inserting ''25 permanent professors''.

SEC. 509. SERVICE CREDITABLE TOWARD RETIREMENT FOR THIRTY YEARS OR MORE OF SERVICE OF REGULAR WARRANT OFFICERS OTHER THAN REGULAR ARMY WARRANT OFFICERS.

Section 1305 of title 10, United States Code, is amended—

(1) in subsection (a), ''A regular warrant officer'' and inserting ''A regular Army warrant officer'';

(2) by redesignating subsections (b) and (c) as subsections (c), and (d), respectively;

(3) by inserting after subsection (a) the following new subsection (b);

''(b) A regular warrant officer (other than a regular Army warrant officer) who has at least 30 years of active service that could be credited to him under section 511 of the Career Compensation Act of 1949, as amended, may be retired 60 days after the date on which he completes that service, except as provided by section 8301 of title 5.''; and

(4) in subsections (c) and (d), as redesignated by paragraph (2), by inserting ''or (b)'' after ''subsection (a)''.

SEC. 510. MODIFICATION OF REQUIREMENTS FOR QUALIFICATION FOR ISSUANCE OF POSTHUMOUS COMMISSIONS AND WARRANTS.

(a) POSTHUMOUS COMMISSIONS.—Section 1521 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''in line of duty'' each place it appears; and

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

''(c) A commission issued under subsection (a) shall require a certification by the Secretary of the military department concerned that at the time of death the member was qualified for appointment to the next higher grade.''.

(b) POSTHUMOUS WARRANTS.—Section 1522 of such title is amended—

(1) in subsection (a), by striking ''in line of duty''; and

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

''(c) A warrant issued under subsection (a) shall require a finding by the Secretary of the military department concerned that at the time of death the member was qualified for appointment to the next higher grade.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to deaths of members of the Armed Forces occurring on or after that date.

Subtitle B—Enlisted Personnel Policy

SEC. 521. INCREASE IN MAXIMUM PERIOD OF REENLISTMENT OF REGULAR MEMBERS OF THE ARMED FORCES.

(a) INCREASE IN MAXIMUM PERIOD.—Section 505(d) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking ''six years'' and inserting ''eight years''; and

(2) in paragraph (3)(A), by striking ''six years'' and inserting ''eight years''.

(b) CONFORMING AMENDMENT RELATING TO PAYMENT OF REENLISTMENT BONUS.—Section 308(a)(2)(A)(ii) of title 37, United States Code, is amended by striking ''six'' and inserting ''eight''.

Subtitle C—Reserve Component Management

SEC. 531. MODIFICATION OF LIMITATIONS ON AUTHORIZED STRENGTHS OF RESERVE GENERAL AND FLAG OFFICERS IN ACTIVE STATUS.

(a) EXCLUSION OF ARMY AND AIR FORCE OFFICERS SERVING IN JOINT DUTY ASSIGNMENTS.—Subsection (b) of section 12004 of title 10, United States Code, is amended by adding at the end the following new paragraph;

''(4) Those serving in a joint duty assignment for purposes of chapter 38 of this title, except that the number of officers who may be excluded under this paragraph may not exceed the number equal to 20 percent of the number of officers authorized for the armed force concerned by subsection (a).''.

(b) EXCLUSION OF NAVY OFFICERS SERVING IN JOINT DUTY ASSIGNMENTS.—Subsection (c) of such section is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(2) by striking the matter in paragraph (1) before the matter relating to line corps and inserting the following:

''(1) The following Navy reserve officers shall not be counted for purposes of this section:

''(A) Those counted under section 526 of this title.

''(B) Those serving in a joint duty assignment for purposes of chapter 38 of this title, except that the number of officers who may be excluded under this paragraph may not exceed the number equal to 20 percent of the number of officers authorized for the Navy in subsection (a).

''(2) Of the number of Navy reserve officers authorized by subsection (a), 40 are distributed among the line and staff corps as follows:''.

SEC. 532. EXTENSION TO OTHER RESERVE COMPONENTS OF ARMY AUTHORITY FOR DEFERRAL OF MANDATORY SEPARATION OF MILITARY TECHNICIANS (DUAL STATUS) UNTIL AGE 60.

Section 10216(f) of title 10, United States Code, is amended by inserting ''and the Secretary of the Air Force'' after ''Secretary of the Army''.

SEC. 533. INCREASE IN MANDATORY RETIREMENT AGE FOR CERTAIN RESERVE OFFICERS TO AGE 62.

(a) SELECTIVE SERVICE AND UNITED STATES PROPERTY AND FISCAL OFFICERS.—Section 12647 of title 10, United States Code, is amended by striking ''60 years'' and inserting ''62 years''.

(b) HEADQUARTERS AND RESERVE TECHNICIAN OFFICER PERSONNEL.—

(1) IN GENERAL.—Subsection (b) of section 14702 of such title is amended—

(A) in the subsection caption, by striking ''AGE 60'' and inserting ''AGE 62''; and

(B) by striking ''60 years'' and inserting ''62 years''.

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 14702. Retention on reserve active-status list of certain officers until age 62''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1409 of such title is amended by striking the item relating to section 14702 and inserting the following new item:

''14702. Retention on reserve active-status list of certain officers until age 62.''.

SEC. 534. AUTHORITY FOR VACANCY PROMOTION OF NATIONAL GUARD AND RESERVE OFFICERS ORDERED TO ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

Section 14317 of title 10, United States Code, is amended—

(1) in subsection (d)—

(A) by inserting ''(1)'' before ''Except as provided in subsection (e)''; and

(B) by striking ''unless'' in the first sentence and all that follows through the end of the subsection and inserting ''unless the officer—

''(A) is ordered to active duty as a member of the unit in which the vacancy exists when that unit is ordered to active duty; or

''(B) has been ordered to or is serving on active duty in support of a contingency operation.

''(2) If the name of an officer is removed under paragraph (1) from a list of officers recommended for promotion, the officer shall be treated as if the officer had not been considered for promotion or examined for Federal recognition.''; and

(2) in subsection (e)(1)(B), by inserting ''or by examination for Federal recognition under title 32'' after ''this title''.

SEC. 535. AUTHORITY FOR RETENTION OF RESERVE COMPONENT CHAPLAINS AND MEDICAL OFFICERS UNTIL AGE 68.

(a) RESERVE CHAPLAINS AND MEDICAL OFFICERS.—Section 14703(b) of title 10, United States Code, is amended by striking ''67 years'' and inserting ''68 years''.

(b) NATIONAL GUARD CHAPLAINS AND MEDICAL OFFICERS.—Section 324(a) of title 32, United States Code, is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) in the case of a chaplain or medical officer, he becomes 68 years of age; or''.

SEC. 536. MODIFICATION OF AUTHORITIES ON DUAL DUTY STATUS OF NATIONAL GUARD OFFICERS.

(a) DUAL DUTY STATUS AUTHORIZED FOR ANY OFFICER ON ACTIVE DUTY.—Subsection (a)(2) of section 325 of title 32, United States Code, is amended by striking ''in command of a National Guard unit''.

(b) ADVANCE AUTHORIZATION AND CONSENT TO DUAL DUTY STATUS.—Such section is further amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) ADVANCE AUTHORIZATION AND CONSENT.—The President and the Governor of a State or Territory, or of the Commonwealth of Puerto Rico, or the commanding general of the District of Columbia National Guard, as applicable, may give the authorization or consent required by subsection (a)(2) with respect to an officer in advance for the purpose of establishing the succession of command of a unit.''.

SEC. 537. MODIFICATION OF MATCHING FUND REQUIREMENTS UNDER NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

(a) IN GENERAL.—Subsection (d) of section 509 of title 32, United States Code, is amended to read as follows:

''(d) MATCHING FUNDS REQUIRED.—(1) The amount of assistance provided by the Secretary of Defense to a State program of the Program for a fiscal year under this section may not exceed 60 percent of the costs of operating the State program during that fiscal year.

''(2) The limitation in paragraph (1) may not be construed as a limitation on the amount of assistance that may be provided to a State program of the Program for a fiscal year from sources other than the Department of Defense.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 538. REPORT ON COLLECTION OF INFORMATION ON CIVILIAN SKILLS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability, utility, and cost effectiveness of the following:

(1) The collection by the Department of Defense of information on the civilian skills, qualifications, and professional certifications of members of the reserve components of the Armed Forces that are relevant to military manpower requirements.

(2) The establishment by each military department, and by the Department of Defense generally, of a system that would match billets and personnel requirements with members of the reserve components of the Armed Forces who have skills, qualifications, and certifications relevant to such billets and requirements.

(3) The establishment by the Department of Defense of one or more systems accessible by private employers who employ individuals with skills, qualifications, and certifications possessed by members of the reserve components of the Armed Forces to assist such employers in hiring and employing such members.

(4) Actions to ensure that employment information collected for and maintained in the Civilian Employment Information database of the Department of Defense is current and accurate.

(5) Actions to incorporate any matter determined feasible and advisable under paragraphs (1) through (4) into the Defense Integrated Military Human Resources System.

Subtitle D—Education and Training

SEC. 551. AUTHORITY TO PRESCRIBE THE AUTHORIZED STRENGTH OF THE UNITED STATES NAVAL ACADEMY.

(a) IN GENERAL.—Section 6954 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''4,000 or such higher number'' and inserting ''4,400 or such lower number''; and

(B) by striking ''under subsection (h)''; and

(2) by striking subsection (h).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to academic years at the United States Naval Academy after the 2007–2008 academic year.

SEC. 552. TUITION FOR ATTENDANCE OF CERTAIN INDIVIDUALS AT THE UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.

Section 9314(c) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(4)(A) The Institute shall charge tuition for the cost of instruction at the Institute for individuals described in subparagraph (B).

''(B) The individuals described in this subparagraph are any individuals, including civilian employees of the military departments other than the Air Force, of other components of the Department of Defense, and of other Federal agencies, receiving instruction at the Institute.

''(C) The cost of any tuition charged an individual under this paragraph shall be borne by the department, agency, or component sending the individual for instruction at the Institute.

''(5) Amounts received by the Institute for the instruction of students under this subsection shall be retained by the Institute and available to the Institute to cover the costs of such instruction. The source and disposition of such amounts shall be specifically identified in the records of the Institute.''.

SEC. 553. INCREASE IN STIPEND FOR BACCALAUREATE STUDENTS IN NURSING OR OTHER HEALTH PROFESSIONS UNDER HEALTH PROFESSIONS STIPEND PROGRAM.

Section 16201 of title 10, United States Code, is amended—

(1) in subsection (e)(2)(A), by striking ''of $100 per month'' and inserting '', in an amount determined under subsection (f),''; and

(2) in subsection (f), by striking ''subsection (b) or (c)'' and inserting ''subsection (b), (c), or (e)''.

SEC. 554. CLARIFICATION OF DISCHARGE OR RELEASE TRIGGERING DELIMITING PERIOD FOR USE OF EDUCATIONAL ASSISTANCE BENEFIT FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.

Section 16164(a)(2) of title 10, United States Code, is amended by striking ''other than dishonorable conditions'' and inserting ''honorable conditions''.

SEC. 555. PAYMENT BY THE SERVICE ACADEMIES OF CERTAIN EXPENSES ASSOCIATED WITH PARTICIPATION IN ACTIVITIES FOSTERING INTERNATIONAL COOPERATION.

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by adding the following new section:

''§ 2016. Service academies: payment of expenses of foreign visitors for international cooperation; expenses of cadets and midshipmen in certain travel or study abroad

''(a) PAYMENT OF EXPENSES OF CERTAIN FOREIGN VISITORS.—The Superintendent of the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy may, if such Superintendent considers it necessary in the interests of international cooperation, pay the following:

''(1) Travel, subsistence, and special compensation of officers, students, and representatives of foreign countries visiting the service academy concerned.

''(2) Other hosting and entertainment expenses in connection with foreign visitors to the service academy concerned.

''(b) PER DIEM FOR CADETS AND MIDSHIPMEN TRAVELING OR STUDYING ABROAD.—A cadet at the United States Military Academy or the United States Air Force Academy, and a midshipman at the United States Naval Academy, who travels or studies abroad in a program to enhance language skills or cultural understanding may be paid per diem in connection with such travel or study at a rate lower than the rate authorized by the Joint Federal Travel Regulations if the Superintendent of the service academy concerned determines that payment of per diem at such lower rate is in the best interest of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by adding at the end the following new item:

''2016. Service academies: payment of costs of foreign visitors for international cooperation; expenses of cadets and midshipmen in certain travel or study abroad.''.

Subtitle E—Defense Dependents' Education Matters

SEC. 561. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2009 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $30,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated for fiscal year 2009 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $10,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572.

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 562. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated for fiscal year 2009 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

SEC. 563. TRANSITION OF MILITARY DEPENDENT STUDENTS AMONG LOCAL EDUCATIONAL AGENCIES.

Subsection (d) of section 574 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2227; 20 U.S.C. 7703b note) is amended to read as follows:

''(d) TRANSITION OF MILITARY DEPENDENTS AMONG LOCAL EDUCATIONAL AGENCIES.—(1) The Secretary of Defense shall work collaboratively with the Secretary of Education in any efforts to ease the transitions of military dependent students from Department of Defense dependent schools to other schools and among schools of local educational agencies.

''(2) The Secretary of Defense may use funds of the Department of Defense Education Activity for purposes as follows:

''(A) To share expertise and experience of the Activity with local educational agencies as military dependent students make the transitions described in paragraph (1), including transitions resulting from the closure or realignment of military installations under a base closure law, global rebasing, and force restructuring.

''(B) To provide programs for local educational agencies with military dependent students undergoing the transitions described in paragraph (1), including programs for training for teachers and access to distance learning courses for military dependent students who attend public schools in the United States.''.

Subtitle F—Military Family Readiness

SEC. 571. AUTHORITY FOR EDUCATION AND TRAINING FOR MILITARY SPOUSES PURSUING PORTABLE CAREERS.

Section 1784 of title 10, United States Code, is amended by inserting at the end the following new subsection:

''(h) EDUCATION AND TRAINING FOR MILITARY SPOUSES PURSUING PORTABLE CAREERS.—(1) The Secretary of Defense may carry out programs to provide or make available to eligible spouses of members of the armed forces education and training to facilitate the pursuit by such eligible spouses of a portable career.

''(2) In carrying out programs under this subsection, the Secretary may provide assistance utilizing funds available to carry out this section in accordance with such regulations as the Secretary shall prescribe for purposes of this subsection.

''(3) In this subsection:

''(A)(i) The term 'eligible spouse' means any person married to a member of the armed forces on active duty.

''(ii) The term does not include the following:

''(I) Any person who is married to, but legally separated from, a member of the armed forces under court order or statute of any State or possession of the United States.

''(II) Any person who is a member of the armed forces.

''(B) The term 'portable career' includes an occupation identified by the Secretary of Defense, in consultation with the Secretary of Labor, as requiring education and training that results in a credential that is recognized nationwide by industry or specific businesses.''.

Subtitle G—Other Matters

SEC. 581. DEPARTMENT OF DEFENSE POLICY ON THE PREVENTION OF SUICIDES BY MEMBERS OF THE ARMED FORCES.

(a) POLICY REQUIRED.—Not later than August 1, 2009, the Secretary of Defense shall develop a comprehensive policy designed to prevent suicide by members of the Armed Forces.

(b) PURPOSES.—The purposes of the policy required by this section shall be as follows:

(1) To ensure that investigations, analyses, and appropriate data collection can be conducted, across the military departments, on the causes and factors surrounding suicides by members of the Armed Forces.

(2) To develop effective strategies and policies for the education of members of the Armed Forces to assist in preventing suicides and suicide attempts by members of the Armed Forces.

(c) ELEMENTS.—The policy required by this section shall include, but not be limited to, the following:

(1) Requirements for investigations and data collection in connection with suicides by members of the Armed Forces.

(2) A requirement for the appointment by the appropriate military authority of a separate investigating officer to conduct an administrative investigation into each suicide by a member of the Armed Forces in accordance with the requirements specified under paragraph (1).

(3) Requirements for minimum information to be determined under each investigation pursuant to paragraph (2), including, but not limited to, the following:

(A) Any mental illness or other mental health condition, including Post Traumatic

Stress Disorder (PTSD), of the member of the Armed Forces concerned at the time of the completion of suicide.

(B) Any other illness or injury of the member at the time of the completion of suicide.

(C) Any receipt of health care services, including mental health care services, by the member before the completion of suicide.

(D) Any utilization of prescription drugs by the member before the completion of suicide.

(E) The number, frequency, and dates of deployment of the member.

(F) The military duty assignment of the member at the time of the completion of suicide.

(G) Any observations by family members, health care providers, medical care managers, and other members of the Armed Forces of any symptoms of depression, anxiety, alcohol or drug abuse, or other relevant behavior in the member before the completion of suicide.

(H) The results of a psychological autopsy of the member, if conducted.

(4) A requirement for a report from each administrative investigation conducted pursuant to paragraph (2) which shall set forth the findings and recommendations resulting from such investigation.

(5) Procedures for the protection of the confidentiality of information contained in each report on an investigation pursuant to paragraph (4).

(6) A requirement that the Deputy Chief of Staff for Personnel of the military department concerned receive and analyze each report on an investigation pursuant to paragraph (4).

(7) The appointment by the Secretary of Defense of an appropriate official or executive agent within the Department of Defense to receive and analyze each report on an investigation pursuant to paragraph (4) in order to—

(A) identify trends or common causal factors in suicides by members of the Armed Forces; and

(B) advise the Secretary on means by which the suicide education and prevention strategies and programs of the military departments can respond appropriately and effectively to such trends and causal factors.

(8) A requirement for an annual report to the Secretary of Defense by each Secretary of a military department on the following:

(A) The results of investigations into suicide by members of the Armed Forces pursuant to paragraph (2) for each calendar year beginning with 2010.

(B) Actions taken to improve the suicide education and prevention strategies and programs of the military departments.

(d) CONSTRUCTION OF INVESTIGATION WITH OTHER INVESTIGATION REQUIREMENTS.—The investigation of the suicide by a member of the Armed Forces under the policy required by this section shall be in addition to any other investigation of the suicide required by law, including any investigation for criminal purposes.

(e) REPORT.—Not later than August 1, 2009, the Secretary of the Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the policy required by this section. The report shall include—

(1) a description of the policy; and

(2) a plan for the implementation of the policy throughout the Department of Defense.

SEC. 582. RELIEF FOR LOSSES INCURRED AS A RESULT OF CERTAIN INJUSTICES OR ERRORS OF THE DEPARTMENT OF DEFENSE.

(a) RELIEF AUTHORIZED.—Chapter 3 of title 10, United States Code, is amended by inserting after section 127c, as added by section 1201 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2410), the following new section:

''§ 127e. Relief for losses incurred as a result of certain injustices or errors of the Department of Defense

''(a) RELIEF AUTHORIZED.—Under regulations prescribed by the Secretary of Defense, the Secretary of Defense or the Secretary of the military department concerned may, upon a determination that a member or former member of the armed forces has suffered imprisonment as a result of an injustice or error of the Department of Defense or any of its employees acting in an official capacity following conviction by a court-martial, provide such relief on account of such error as such Secretary determines equitable and fair, including the payment of moneys to any person whom such Secretary determines is entitled to such moneys.

''(b) PAYMENT AS A MATTER OF SOLE DISCRETION.—The payment of any moneys under this section is within the sole discretion of the Secretary of Defense and the Secretaries of the military departments.

''(c) PAYMENT OF INTEREST.—The authority to pay moneys under this section includes the authority to pay interest on such moneys in amounts calculated in accordance with the regulations required under subsection (a).

''(d) FUNDS.—Amounts for the payment of moneys and interest under this section shall be derived from amounts available to the Secretary of Defense or the Secretary of the military department concerned for the payment of emergency and extraordinary expenses under section 127 of this title.

''(e) ANNUAL REPORTS.—Each annual report of the Secretary of Defense under section 127(d) of this title shall include a description of the disposition of each request for relief under this section during the fiscal year covered by such report, including a statement of the amount paid with respect to each finding of injustice or error warranting payment under this section during such fiscal year.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by inserting after the item relating to section 127c, as so added, the following new item:

''127e. Relief for losses incurred as a result of certain injustices or errors of the Department of Defense.''.

SEC. 583. PATERNITY LEAVE FOR MEMBERS OF THE ARMED FORCES.

(a) LEAVE AUTHORIZED.—Section 701 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(j)(1) Under regulations prescribed by the Secretary of Defense, a member of the armed forces on active duty who is the husband of a woman who gives birth to a child may be given up to 21 days of leave to be used in connection with the birth of the child.

''(2) Leave under paragraph (1) is in addition to other leave authorized under the provisions of this section.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply only with respect to children born on or after that date.

SEC. 584. ENHANCEMENT OF AUTHORITIES ON PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN INTERNATIONAL SPORTS COMPETITIONS.

(a) IN GENERAL.—Section 717 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking ''and the Olympic Games'' and inserting ''the Olympic Games, and the Military World Games'';

(2) in subsection (b), by striking ''subsections (c) and (d)'' and inserting ''subsections (c) and (e)'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''$3,000,000'' and inserting ''$6,000,000''; and

(ii) by striking ''October 1, 1980'' and inserting ''October 1, 2008''; and

(B) in paragraph (2)—

(i) by striking ''$100,00'' and inserting ''$200,000''; and

(ii) by striking ''October 1, 1980'' and inserting ''October 1, 2008'';

(4) by redesignating subsection (d) as subsection (e); and

(5) by inserting after subsection (c) the following new subsection (d):

''(d)(1) The Secretary of Defense may plan for the following:

''(A) The participation by military personnel in international sports activities and competitions as authorized by subsection (a).

''(B) The hosting of military international sports activities, competitions, and events such as the Military World Games.

''(2) Planning and other activities associated with hosting of international sports activities, competitions, and events under this subsection shall, to the maximum extent possible, be funded using appropriations available to the Department of Defense .''.

(b) REPORT ON PLANNING FOR INTERNATIONAL SPORTS ACTIVITIES, COMPETITIONS, AND EVENTS.—

(1) REPORT REQUIRED.—Not later than October 1, 2009, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a comprehensive plan for the following:

(A) The participation by personnel of the Department of Defense in international sports activities, competitions, and events (including the Pan American Games, the Olympic Games, the Paralympic Games, the Military World Games, other activities of the International Military Sports Council (CISM), and the Interallied Confederation of Reserve Officers (CIOR)) through fiscal year 2015.

(B) The hosting by the Department of Defense of military international sports activities, competitions, and events through fiscal year 2015.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A discussion of the military international sports activities, competitions, and events that the Department of Defense intends to seek to host, an estimate of the costs of hosting such activities, competitions, and events that the Department intends to seek to host, and a description of the sources of funding for such costs.

(B) A discussion of the use and replenishment of funds in the account in the Treasury for the Support for International Sporting Competitions for the hosting of such activities, competitions, and events that the Department intends to seek to host.

(C) A discussion of the support that may be obtained from other departments and agencies of the Federal Government, State and local governments, and private entities in encouraging participation of members of the Armed Forces in international sports activities, competitions, and events or in hosting of military international sports activities, competitions, and events.

(D) Such recommendations for legislative or administrative action as the Secretary considers appropriate to implement or enhance planning for the matters described in paragraph (1).

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

SEC. 585. PILOT PROGRAMS ON CAREER FLEXIBILITY TO ENHANCE RETENTION OF MEMBERS OF THE ARMED FORCES.

(a) PILOT PROGRAMS AUTHORIZED.—

(1) IN GENERAL.—Each Secretary of a military department may carry out a pilot program under which officers and enlisted members of the regular components of the Armed Forces under the jurisdiction of such Secretary may be inactivated from active duty in order to meet personal or professional needs and returned to active duty at the end of such period of inactivation from active duty.

(2) PURPOSE.—The purpose of the pilot programs under this section shall be to evaluate whether permitting inactivation from active duty and greater flexibility in career paths for members of the Armed Forces will provide an effective means to enhance retention of members of the Armed Forces and the capacity of the Department of Defense to respond to the personal and professional needs of individual members of the Armed Forces.

(b) LIMITATION ON ELIGIBLE MEMBERS.—A member of the Armed Forces is not eligible to participate in a pilot program under this section during any period of service required of the member due to receipt of the following:

(1) An accession bonus for medical officers in critically short wartime specialties under section 302k of title 37, United States Code.

(2) An accession bonus for dental specialists in critically short wartime specialties under section 302l of title 37, United States Code.

(3) A retention bonus for members qualified in critical military skills or assigned to high priority units under section 355 of title 37, United States Code.

(c) LIMITATION ON NUMBER OF MEMBERS.—Not more than 20 officers and 20 enlisted members of an Armed Force may participate in a pilot program under this section at any one time.

(d) LIMITATION ON PERIOD OF INACTIVATION FROM ACTIVE DUTY.—The period of inactivation from active duty under the pilot program under this section of a member participating in the pilot program shall be such period as the Secretary concerned shall specify in the agreement of the member under subsection (e), except that such period may not exceed three years.

(e) AGREEMENT.—Each member of the Armed Forces who participates in a pilot program under this section shall enter into a written agreement with the Secretary of the military department concerned under which agreement that member shall agree as follows:

(1) To accept an appointment or enlist, as applicable, and serve in the Ready Reserve of the Armed Force concerned during the period of the member's inactivation from active duty under the pilot program.

(2) To undergo during the period of the inactivation of the member from active duty under the pilot program such inactive duty training as the Secretary concerned shall require in order to ensure that the member retains appropriate proficiency in the member's military skills, professional qualifications, and physical readiness during the inactivation of the member from active duty.

(3) Following completion of the period of the inactivation of the member from active duty under the pilot program, to serve two months as a member of the Armed Forces on active duty for each month of the period of the inactivation of the member from active duty under the pilot program.

(f) ORDER TO ACTIVE DUTY.—Under regulations prescribed by the Secretary of the military department concerned, a member of the Armed Forces participating in a pilot program under this section may, in the discretion of such Secretary, be required to terminate participation in the pilot program and be ordered to active duty.

(g) PAY AND ALLOWANCES.—

(1) BASIC PAY.—During each month of participation in a pilot program under this section, a member who participates in the pilot program shall be paid basic pay in an amount equal to two-thirtieths of the amount of monthly basic pay to which the member would otherwise be entitled under section 204 of title 37, United States Code, as a member of the uniformed services on active duty in the grade and years of service of the member when the member commences participation in the pilot program.

(2) SPECIAL AND INCENTIVE PAYS.—

(A) PROHIBITION ON RECEIPT DURING PARTICIPATION.—A member who participates in a pilot program shall not, while participating in the pilot program, be paid any special or incentive pay or bonus to which the member is otherwise entitled under an agreement under chapter 5 of title 37, United States Code, that is in force when the member commences participation in the pilot program.

(B) TREATMENT OF REQUIRED SERVICE.—The inactivation from active duty of a member participating in a pilot program shall not be treated as a failure of the member to perform any period of service required of the member in connection with an agreement for a special or incentive pay or bonus under chapter 5 of title 37, United States Code, that is in force when the member commences participation in the pilot program.

(C) REVIVAL OF SPECIAL PAYS UPON RETURN TO ACTIVE DUTY.—Subject to subparagraph (D), upon the return of a member to active duty after completion by the member of participation in a pilot program—

(i) any agreement entered into by the member under chapter 5 of title 37, United States Code, for the payment of a special or incentive pay or bonus that was in force when the member commenced participation in the pilot program shall be revived, with the term of such agreement after revival being the period of the agreement remaining to run when the member commenced participation in the pilot program; and

(ii) any special or incentive pay or bonus shall be payable to the member in accordance with the terms of the agreement concerned for the term specified in clause (i).

(D) LIMITATIONS.—

(i) LIMITATION AT TIME OF RETURN TO ACTIVE DUTY.—Subparagraph (C) shall not apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to a member if, at the time of the return of the member to active duty as described in that subparagraph—

(I) such pay or bonus is no longer authorized by law; or

(II) the member does not satisfy eligibility criteria for such pay or bonus as in effect at the time of the return of the member to active duty.

(ii) CESSATION DURING LATER SERVICE.—Subparagraph (C) shall cease to apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to a member if, during the term of the revived agreement of the member under subparagraph (C)(i), such pay or bonus ceases being authorized by law.

(E) REPAYMENT.—A member who is ineligible for payment of a special or incentive pay or bonus otherwise covered by this paragraph by reason of subparagraph (D)(i)(II) shall be subject to the requirements for repayment of such pay or bonus in accordance with the terms of the applicable agreement of the member under chapter 5 of title 37, United States Code.

(F) CONSTRUCTION OF REQUIRED SERVICE.—Any service required of a member under an agreement covered by this paragraph after the member returns to active duty as described in subparagraph (C) shall be in addition to any service required of the member under an agreement under subsection (e).

(3) CERTAIN TRAVEL AND TRANSPORTATION ALLOWANCES.—

(A) IN GENERAL.—Subject to subparagraph (B), a member who participates in a pilot program is entitled, while participating in the pilot program, to the travel and transportation allowances authorized by section 404 of title 37, United States Code, for—

(i) travel performed from the member's residence, at the time of release from active duty to participate in the pilot program, to the location in the United States designated by the member as his residence during the period of participation in the pilot program; and

(ii) travel performed to the member's residence upon return to active duty at the end of the member's participation in the pilot program.

(B) LIMITATION.—An allowance is payable under this paragraph only with respect to travel of a member to and from a single residence.

(h) PROMOTION.—

(1) OFFICERS.—

(A) LIMITATION ON PROMOTION.—An officer participating in a pilot program under this section shall not, while participating in the pilot program, be eligible for consideration for promotion under chapter 36 or 1405 of title 10, United States Code.

(B) PROMOTION AND RANK UPON RETURN TO ACTIVE DUTY.—Upon the return of an officer to active duty after completion by the officer of participation in a pilot program—

(i) the Secretary concerned shall adjust the officer's date of rank in such manner as the Secretary of Defense shall prescribe in regulations for purposes of this section; and

(ii) the officer shall be eligible for consideration for promotion when officers of the same competitive category, grade, and seniority are eligible for consideration for promotion.

(2) ENLISTED MEMBERS.—An enlisted member participating in a pilot program shall not be eligible for consideration for promotion during the period that—

(A) begins on the date of the member's inactivation from active duty under the pilot program; and

(B) ends at such time after the return of the member to active duty under the pilot program that the member is treatable as eligible for promotion by reason of time in grade and such other requirements as the Secretary of the military department concerned shall prescribe in regulations for purposes of the pilot program.

(i) MEDICAL AND DENTAL CARE.—A member participating in a pilot program under this section shall, while participating in the pilot program, be treated as a member of the Armed Forces on active duty for a period of more than 30 days for purposes of the entitlement of the member and the member's dependents to medical and dental care under the provisions of chapter 55 of title 10, United States Code.

(j) TREATMENT OF PERIOD OF PARTICIPATION FOR PURPOSES OF RETIREMENT AND RELATED PURPOSES.—Any period of participation of a member in a pilot program under this section shall not count toward—

(1) eligibility for retirement or transfer to the Ready Reserve under either chapter 571 or 1223 of title 10, United States Code;

(2) computation of retired or retainer pay under chapter 71 or 1223 of title 10, United States Code; or

(3) computation of total years of commissioned service under section 14706 of title 10, United States Code.

(k) REPORTS.—

(1) INTERIM REPORTS.—Not later than June 1 of each of 2010 and 2012, each Secretary of a military department shall submit to the congressional defense committees a report on the implementation and current status of the pilot programs conducted by such Secretary under this section.

(2) FINAL REPORT.—Not later than March 1, 2015, the Secretary of Defense shall submit to the congressional defense committees a report on the pilot programs conducted under this section.

(3) ELEMENTS OF REPORT.—Each interim report and the final report under this subsection shall include the following:

(A) A description of each pilot program conducted under this section, including a description of the number of applicants for such pilot program and the criteria used to select individuals for participation in such pilot program.

(B) An assessment by the Secretary concerned of the pilot programs, including an evaluation of whether—

(i) the authorities of the pilot programs provided an effective means to enhance the retention of members of the Armed Forces possessing critical skills, talents, and leadership abilities;

(ii) the career progression in the Armed Forces of individuals who participate in the pilot program has been or will be adversely affected; and

(iii) the usefulness of the pilot program in responding to the personal and professional needs of individual members of the Armed Forces.

(C) Such recommendations for legislative or administrative action as the Secretary concerned considers appropriate for the modification or continuation of the pilot programs.

(l) DURATION OF PROGRAM AUTHORITY.—The authority to conduct a pilot program authorized by this section shall commence on January 1, 2009 and expire on December 31, 2014. No member of the Armed Forces may be in a period of inactivation from active duty under the pilot program after December 31, 2014.

SEC. 586. PROHIBITION ON INTERFERENCE IN INDEPENDENT LEGAL ADVICE BY THE LEGAL COUNSEL TO THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.

Section 156(d) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''The Legal Counsel''; and

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

''(2) No officer or employee of the Department of Defense may interfere with the ability of the Legal Counsel to give independent legal advice to the Chairman of the Joint Chiefs of Staff and to the Joint Chiefs of Staff.''.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2009 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during the fiscal year 2009 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2009, the rates of monthly basic pay for members of the uniformed services are increased by 3.9 percent.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(g) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) SELECTED RESERVE AFFILIATION OR ENLISTMENT BONUS.—Section 308c(i) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) READY RESERVE ENLISTMENT BONUS FOR PERSONS WITHOUT PRIOR SERVICE.—Section 308g(f)(2) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(e) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308h(e) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(f) SELECTED RESERVE ENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308i(f) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of such title is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(e) SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(e) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(f) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(g) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302j(a) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(h) ACCESSION BONUS FOR MEDICAL OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302k(f) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(i) ACCESSION BONUS FOR DENTAL SPECIALIST OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302l(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(f) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) ASSIGNMENT INCENTIVE PAY.—Section 307a(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) ENLISTMENT BONUS.—Section 309(e) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(e) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(f) INCENTIVE BONUS FOR CONVERSION TO MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGE.—Section 326(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(g) ACCESSION BONUS FOR OFFICER CANDIDATES.—Section 330(f) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(h) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY UNITS.—Section 355(i) of such title, as redesignated by section 661(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(i) INCOME REPLACEMENT FOR RESERVE MEMBERS EXPERIENCING EXTENDED AND FREQUENT MOBILIZATIONS.—Section 910(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 615. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

(a) HEALTH PROFESSIONS REFERRAL BONUS.—Subsection (i) of section 1030 of title 10, United States Code, as added by section 671(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) ARMY REFERRAL BONUS.—Subsection (h) of section 3252 of title 10, United States Code, as added by section 671(a) of the National Defense Authorization Act for Fiscal Year 2008, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 616. PERMANENT EXTENSION OF PROHIBITION ON CHARGES FOR MEALS RECEIVED AT MILITARY TREATMENT FACILITIES BY MEMBERS RECEIVING CONTINUOUS CARE.

Section 402(h) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking ''during any month covered by paragraph (3)''; and

(2) by striking paragraph (3).

SEC. 617. ACCESSION AND RETENTION BONUSES FOR THE RECRUITMENT AND RETENTION OF PSYCHOLOGISTS FOR THE ARMED FORCES.

(a) MULTIYEAR RETENTION BONUS FOR PSYCHOLOGISTS.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 301e the following new section:

''§ 301f. Multiyear retention bonus: psychologists of the armed forces

''(a) BONUS AUTHORIZED.—An officer described in subsection (c) who executes a written agreement to remain on active duty for

up to four years after completion of any other active-duty service commitment may, upon acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

''(b) MAXIMUM AMOUNT OF BONUS.—The amount of a retention bonus under subsection (a) may not exceed $25,000 for each year of the agreement of the officer concerned.

''(c) ELIGIBLE OFFICERS.—An officer described in this subsection is an officer of the armed forces who—

''(1) is a psychologist of the armed forces;

''(2) is in a pay grade below pay grade O–7;

''(3) has at least eight years of creditable service (computed as described in section 302b(f) of this title) or has completed any active-duty service commitment incurred for psychology education and training;

''(4) has completed initial residency training (or will complete such training before September 30 of the fiscal year in which the officer enters into an agreement under subsection (a)); and

''(5) holds a valid State license to practice as a doctoral level psychologist.

''(d) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 301e the following new item:

''301f. Multiyear retention bonus: psychologists of the armed forces.''.

(b) ACCESSION BONUS FOR PSYCHOLOGISTS.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 302l the following new section:

''§ 302m. Special pay: accession bonus for psychologists

''(a) ACCESSION BONUS AUTHORIZED.—A person described in subsection (b) who executes a written agreement described in subsection (e) to accept a commission as an officer of the armed forces and remain on active duty for a period of not less than four consecutive years may, upon acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount determined by the Secretary concerned.

''(b) ELIGIBLE PERSONS.—A person described in this section is any person who—

''(1) is a graduate of an accredited school of psychology; and

''(2) holds a valid State license to practice as a doctoral level psychologist.

''(c) MAXIMUM AMOUNT OF BONUS.—The amount of an accession bonus under subsection (a) may not exceed $400,000.

''(d) LIMITATION ON ELIGIBILITY.—A person may not be paid a bonus under subsection (a) if—

''(1) the person, in exchange for an agreement to accept an appointment as an officer, received financial assistance from the Department of Defense to pursue a course of study in psychology; or

''(2) the Secretary concerned determines that the person is not qualified to become and remain certified as a psychologist.

''(e) AGREEMENT.—The agreement referred to in subsection (a) shall provide that, consistent with the needs of the armed force concerned, the person executing the agreement will be assigned to duty, for the period of obligated service covered by the agreement, as an officer of such armed force as a psychologist.

''(f) REPAYMENT.—A person who, after signing an agreement under subsection (a), is not commissioned as an officer of the armed forces, does not become licensed as a psychologist, or does not complete the period of active duty specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.

''(g) TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after December 31, 2009.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 302l the following new item:

''302m. Special pay: accession bonus for psychologists.''.

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

SEC. 618. AUTHORITY FOR EXTENSION OF MAXIMUM LENGTH OF SERVICE AGREEMENTS FOR SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.

Section 312(a)(3) of section 312 of title 37, United States Code, is amended by striking ''three, four, or five years'' and inserting ''not less than three years''.

SEC. 619. INCENTIVE PAY FOR MEMBERS OF PRECOMMISSIONING PROGRAMS PURSUING FOREIGN LANGUAGE PROFICIENCY.

(a) INCENTIVE PAY AUTHORIZED.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 316 the following new section:

''§ 316a. Special pay: incentive pay for members of precommissioning programs pursuing foreign language proficiency

''(a) INCENTIVE PAY.—The Secretary of Defense may pay incentive pay under this section to an individual who—

''(1) is enrolled as a member of the Senior Reserve Officers' Training Corps or the Marine Corps Platoon Leaders Class, as determined in accordance with regulations prescribed by the Secretary of Defense under subsection (e); and

''(2) participates in a language immersion program approved for purposes of the Senior Reserve Officers' Training Corps, or in study abroad, or is enrolled in an academic course that involves instruction in a foreign language of strategic interest to the Department of Defense as designated by the Secretary of Defense for purposes of this section.

''(b) PERIOD OF PAYMENT.—Incentive pay is payable under this section to an individual described in subsection (a) for the period of the individual's participation in the language program or study described in paragraph (2) of that subsection.

''(c) AMOUNT.—The amount of incentive pay payable to an individual under this section may not exceed $3,000 per year.

''(d) REPAYMENT.—An individual who is paid incentive pay under this section but who does not satisfactorily complete participation in the individual's language program or study as described in subsection (a)(2), or who does not complete the requirements of the Senior Reserve Officers' Training Corps or the Marine Corps Platoon Leaders Class, as applicable, shall be subject to the repayment provisions of section 303a(e) of this title.

''(e) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense.

''(f) REPORTS.—Not later than January 1, 2010, and annually thereafter through 2014, the Secretary of Defense shall submit to the Director of the Office of Management and Budget, and to Congress, a report on the payment of incentive pay under this section during the preceding fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

''(1) The number of individuals paid incentive pay under this section, the number of individuals commencing receipt of incentive pay under this section, and the number of individuals ceasing receipt of incentive pay under this section.

''(2) The amount of incentive pay paid to individuals under this section.

''(3) The aggregate amount recouped under section 303a(e) of this title in connection with receipt of incentive pay under this section.

''(4) The languages for which incentive pay was paid under this section, including the total amount paid for each such language.

''(5) The effectiveness of incentive pay under this section in assisting the Department of Defense in securing proficiency in foreign languages of strategic interest to the Department of Defense, including a description of how recipients of pay under this section are assigned and utilized following completion of the program of study.

''(g) TERMINATION OF AUTHORITY.—No incentive pay may be paid under this section after December 31, 2013.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 316 the following new item:

''316a. Special pay: incentive pay for members of precommissioning programs pursuing foreign language proficiency.''.

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

Subtitle C—Travel and Transportation Allowances

SEC. 631. SHIPMENT OF FAMILY PETS DURING EVACUATION OF PERSONNEL.

Section 406(b)(1) of title 37, United States Code, is amended by adding at the end the following new subparagraph:

''(H)(i) Except as provided in paragraph (2) and subject to clause (iii), in connection with an evacuation from a permanent station located in a foreign area, a member is entitled to transportation (including shipment and payment of any quarantine costs) of not more than two family household pets.

''(ii) A member entitled to transportation under clause (i) may be paid reimbursement or, at the member's request, a monetary allowance in accordance with the provisions of subparagraph (F) if the member secures by commercial means shipment and any quarantining of the pets otherwise subject to transportation under clause (i).

''(iii) The provision of transportation under clause (i) and the payment of reimbursement under clause (ii) shall be subject to such regulations as the Secretary of Defense shall prescribe with respect to members of the armed forces for purposes of this subparagraph. Such regulations may specify limitations on the types or size of pets for which transportation may be so provided or reimbursement so paid.''.

SEC. 632. SPECIAL WEIGHT ALLOWANCE FOR TRANSPORTATION OF PROFESSIONAL BOOKS AND EQUIPMENT FOR SPOUSES.

(a) SPECIAL WEIGHT ALLOWANCE.—Section 406(b)(1)(D) of title 37, United States Code, is amended—

(1) by inserting ''(i)'' after ''(D)'';

(2) in the second sentence of clause (i), as so redesignated, by striking ''this subparagraph'' and inserting ''this clause'';

(3) by redesignating the last sentence as clause (iii) and indenting the margin of such clause, as so designated, two ems from the left margin; and

(4) by inserting after clause (i), as redesignated by paragraph (2), the following new clause:

''(ii) In addition to the weight allowance authorized for such member with dependents under paragraph (C), the Secretary concerned may authorize up to an additional 500 pounds in weight allowance for shipment of professional books and equipment belonging to the spouse of such member.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to shipment provided on or after that date.

SEC. 633. TRAVEL AND TRANSPORTATION ALLOWANCES FOR MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES ON LEAVE FOR SUSPENSION OF TRAINING.

(a) ALLOWANCES AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 411j the following new section:

''§ 411k. Travel and transportation allowances: travel performed by certain members of the reserve components of the armed forces in connection with leave for suspension of training

''(a) ALLOWANCE AUTHORIZED.—The Secretary concerned may reimburse or provide transportation to a member of a reserve component of the armed forces on active duty for a period of more than 30 days who is performing duty at a temporary duty station for travel between the member's temporary duty station and the member's permanent duty station in connection with authorized leave pursuant to a suspension of training.

''(b) MINIMUM DISTANCE BETWEEN STATIONS.—A member may be paid for or provided transportation under subsection (a) only as follows:

''(1) In the case of a member who travels between a temporary duty station and permanent duty station by air transportation, if the distance between such stations is not less than 300 miles.

''(2) In the case of a member who travels between a temporary duty station and permanent duty station by ground transportation, if the distance between such stations is more than the normal commuting distance from the permanent duty station (as determined under the regulations prescribed under subsection (e)).

''(c) MINIMUM PERIOD OF SUSPENSION OF TRAINING.—A member may be paid for or provided transportation under subsection (a) only in connection with a suspension of training covered by that subsection that is five days or more in duration.

''(d) LIMITATION ON REIMBURSEMENT.—The amount a member may be paid under subsection (a) for travel may not exceed the amount that would be paid by the government (as determined under the regulations prescribed under subsection (e)) for the least expensive means of travel between the duty stations concerned.

''(e) REGULATIONS.—The Secretary concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 411j the following new item:

''411k. Travel and transportation allowances: travel performed by certain members of the reserve components of the armed forces in connection with leave for suspension of training.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to travel that occurs on or after that date.

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. PRESENTATION OF BURIAL FLAG TO THE SURVIVING SPOUSE AND CHILDREN OF MEMBERS OF THE ARMED FORCES WHO DIE IN SERVICE.

Section 1482(a) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(12) Presentation of a flag of equal size to the flag presented under paragraph (10) to the surviving spouse (regardless of whether the surviving spouse remarries after the decedent's death), if the person to be presented the flag under paragraph (10) is other than the surviving spouse.

''(13) Presentation of a flag of equal size to the flag presented under paragraph (10) to each child, regardless of whether the person to be presented a flag under paragraph (10) is a child of the decedent. For purposes of this paragraph, the term 'child' has the meaning prescribed by section 1477(d) of this title''.

SEC. 642. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e);

(ii) by striking subsection (k); and

(iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking ''does not apply—'' and all that follows and inserting ''does not apply in the case of a deduction made through administrative error.''; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking '', 1450(k)(2),''.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking ''Except as provided in paragraph (2)(B), the Secretary concerned'' and inserting ''The Secretary concerned''; and

(2) in paragraph (2)—

(A) by striking ''DEPENDENT CHILDREN.—'' and all that follows through ''In the case of a member described in paragraph (1),'' and inserting ''DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1),''; and

(B) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

Subtitle E—Other Matters

SEC. 651. SEPARATION PAY, TRANSITIONAL HEALTH CARE, AND TRANSITIONAL COMMISSARY AND EXCHANGE BENEFITS FOR MEMBERS OF THE ARMED FORCES SEPARATED UNDER SURVIVING SON OR DAUGHTER POLICY.

(a) AVAILABILITY OF SEPARATION PAY OTHERWISE AVAILABLE FOR INVOLUNTARY SEPARATION.—

(1) IN GENERAL.—A member of the Armed Forces who is separated from the Armed Forces under the Surviving Son or Daughter policy of the Department of Defense before the member completes twenty years of service in the Armed Forces shall be entitled to separation pay payable under section 1174 of title 10, United States Code.

(2) NO MINIMUM SERVICE BEFORE SEPARATION.—A member of the Armed Forces described in paragraph (1) who is separated from the Armed Forces as described in that paragraph is entitled to separation pay under that paragraph without regard to section 1174(c) of title 10, United States Code.

(3) INAPPLICABILITY OF REQUIREMENT FOR SERVICE IN READY RESERVE.—Section 1174(e) of title 10, United States Code, shall not apply to a member of the Armed Forces described in paragraph (1) who is separated from the Armed Forces as described in that paragraph.

(4) AMOUNT OF PAY.—The amount of the separation pay to be paid to a member pursuant to this subsection shall be based on the years of active service actually completed by the member before the member's separation from the Armed Forces as described in paragraph (1).

(b) TRANSITIONAL HEALTH CARE.—

(1) IN GENERAL.—A member of the Armed Forces who is separated from the Armed Forces under the Surviving Son or Daughter policy of the Department of Defense is entitled to health care benefits under section 1145 of title 10, United States Code, as if such member were an individual described by subsection (a)(2) of such section.

(2) DEPENDENTS.—The dependents of a member entitled to health care benefits under paragraph (1) are entitled to health care benefits in the same manner with respect to such member as dependents of members of the Armed Forces are entitled to such benefits with respect to such members under section 1145 of title 10, United States Code.

(c) TRANSITIONAL COMMISSARY AND EXCHANGE BENEFITS.—A member of the Armed

Forces who is separated from the Armed Forces under the Surviving Son or Daughter policy of the Department of Defense is entitled to continue to use commissary and exchange stores and morale, welfare, and recreational facilities in the same manner as a member on active duty in the Armed Forces during the two-year period beginning on the later of the following dates:

(1) The date of the separation of the member.

(2) The date on which the member is first notified of the members entitlement to benefits under this subsection.

(d) SURVIVING SON OR DAUGHTER POLICY OF THE DEPARTMENT OF DEFENSE DEFINED.—In this section, the term ''Surviving Son or Daughter policy of the Department of Defense'' means the policy of the Department of Defense for the separation from the Armed Forces of a member of the Armed Forces who is a son or daughter in a family in which the father, mother, or another son or daughter—

(1) has been killed in action or died while serving in the Armed Forces from a wound, accident, or disease;

(2) is a member of the Armed Forces in a captured or missing-in-action status; or

(3) has a service-connected disability rated 100 percent disabling (including a disability of 100 percent mental disability), as determined by the Secretary of Veterans Affairs or the Secretary of the military department concerned, and is not gainfully employed because of such disability.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE Program

SEC. 701. CALCULATION OF MONTHLY PREMIUMS FOR COVERAGE UNDER TRICARE RESERVE SELECT AFTER 2008.

(a) IN GENERAL.—Section 1076d(d)(3) of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(3)'';

(2) in subparagraph (A), as so designated, by striking the second sentence; and

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

''(B) The appropriate actuarial basis for purposes of subparagraph (A) shall be determined as follows:

''(i) For calendar year 2009, by utilizing the reported cost of providing benefits under this section to members and their dependents during calendar years 2006 and 2007.

''(ii) For each calendar year after calendar year 2009, by utilizing the actual cost of providing benefits under this section to members and their dependents during the calendar years preceding such calendar year.''.

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

Subtitle B—Other Health Care Authorities

SEC. 711. ENHANCEMENT OF MEDICAL AND DENTAL READINESS OF MEMBERS OF THE ARMED FORCES.

(a) EXPANSION OF AVAILABILITY OF MEDICAL AND DENTAL SERVICES FOR RESERVES.—

(1) EXPANSION OF AVAILABILITY FOR RESERVES ASSIGNED TO UNITS SCHEDULED FOR DEPLOYMENT WITHIN 75 DAYS OF MOBILIZATION.—Subsection (d)(1) of section 1074a of title 10, United States Code, is amended by striking ''The Secretary of the Army shall provide to members of the Selected Reserve of the Army'' and inserting ''The Secretary concerned shall provide to members of the Selected Reserve''.

(2) AVAILABILITY FOR CERTAIN OTHER RESERVES.—Such section is further amended by adding at the end the following new subsection:

''(g)(1) The Secretary concerned may provide to any member of the Selected Reserve not described in subsection (d)(1) or (f), and to any member of the Individual Ready Reserve with a specially designated deployment responsibility, the medical and dental services specified in subsection (d)(1) if the Secretary determines that the receipt of such services by such member is necessary to ensure that the member meets applicable standards of medical and dental readiness.

''(2) Services may not be provided to a member under this subsection for a condition that is the result of the member's own misconduct.

''(3) The services provided under this subsection shall be provided at no cost to the member.''.

(3) FUNDING.—Such section is further amended by adding at the end the following new subsection:

''(h) Amounts available for operation and maintenance of a reserve component of the armed forces may be available for purposes of this section to ensure the medical and dental readiness of members of such reserve component.''.

(b) WAIVER OF CERTAIN COPAYMENTS FOR DENTAL CARE FOR RESERVES FOR READINESS PURPOSES.—Section 1076a(e) of such title is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by striking ''A member or dependent'' and inserting ''(1) Except as provided pursuant to paragraph (2), a member or dependent''; and

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

''(2) During a national emergency declared by the President or Congress, the Secretary of Defense may waive, whether in whole or in part, the charges otherwise payable by a member of the Selected Reserve of the Ready Reserve or a member of the Individual Ready Reserve under paragraph (1) for the coverage of the member alone under the dental insurance plan established under subsection (a)(1) if the Secretary determines that such waiver of the charges would facilitate or ensure the readiness of a unit or individual for a scheduled deployment.''.

(c) REPORT ON POLICIES AND PROCEDURES IN SUPPORT OF MEDICAL AND DENTAL READINESS.—

(1) IN GENERAL.—Not later than March 1, 2009, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the policies and procedures of the Department of Defense to ensure the medical and dental readiness of members of the Armed Forces.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the current standards of each military department with respect to the medical and dental readiness of individual members of the Armed Forces (including members of the regular components and members of the reserve components), and with respect to the medical and dental readiness of units of the Armed Forces (including units of the regular components and units of the reserve components), under the jurisdiction of such military department.

(B) A description of the manner in which each military department applies the standards described under subparagraph (A) with respect to each of the following:

(i) Performance evaluation.

(ii) Promotion.

(iii) In the case of the members of the reserve components, eligibility to attend annual training.

(iv) Continued retention in service in the Armed Forces.

(v) Such other matters as the Secretary considers appropriate.

(C) A statement of the number of members of the Armed Forces (including members of the regular components and members of the reserve components) who were determined to be not ready for deployment at any time during the period beginning on October 1, 2001, and ending on September 30, 2008, due to failure to meet applicable medical or dental standards, and an assessment of whether the unreadiness of such members for deployment could reasonably have been mitigated by actions of the members concerned to maintain individual medical or dental readiness.

(D) A description of any actual or perceived barriers to the achievement of full medical and dental readiness in the Armed Forces (including among the regular components and the reserve components), including, but not limited to, barriers associated with the following:

(i) Quality or cost of, or access to, medical and dental care.

(ii) Availability of programs and incentives intended to prevent medical or dental problems.

(E) Such recommendations for legislative or administrative action as the Secretary considers appropriate to ensure the medical and dental readiness of individual members of the Armed Forces and units of the Armed Forces, including, but not limited to, recommendations regarding the following:

(i) The advisability of requiring that fitness reports of members of the Armed Forces include—

(I) a statement of whether or not a member meets medical and dental readiness standards for deployment; and

(II) in cases in which a member does not meet such standard, a statement of actions being taken to ensure that the member meets such standards and the anticipated schedule for meeting such standards.

(ii) The advisability of establishing a mandatory promotion standard relating to individual medical and dental readiness and, in the case of a unit commander, unit medical and dental readiness.

SEC. 712. ADDITIONAL AUTHORITY FOR STUDIES AND DEMONSTRATION PROJECTS RELATING TO DELIVERY OF HEALTH AND MEDICAL CARE.

Section 1092(a) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(3) The Secretary of Defense may include in the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to provide awards and incentives to members of the armed forces and covered beneficiaries who obtain health promotion and disease prevention health care services in accordance with terms and schedules prescribed by the Secretary. Such awards and incentives may include, but are not limited to, cash awards and, in the case of members of the armed forces, personnel incentives.

''(4)(A) The Secretary of Defense may, in consultation with the other administering Secretaries, include in the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to provide awards or incentives to individual health care professionals under the authority of such Secretaries, including members of the uniformed services, Federal civilian employees, and contractor personnel, to encourage and reward effective implementation of innovative health care programs designed to improve quality, cost-effectiveness, health promotion, medical readiness, and other priority objectives. Such awards and incentives may include, but are not limited to, cash awards and, in the case of members of the armed forces, personnel incentives.

''(B) Amounts available for the pay of members of the uniformed services shall be available for awards and incentives under this paragraph with respect to members of the uniformed services.

''(5) The Secretary of Defense may include in the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to improve the medical and dental readiness of members of reserve components of the armed forces, including the provision of health care services to such members for which they are not otherwise entitled or eligible under this chapter.

''(6) The Secretary of Defense may include in the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to improve the continuity of health care services for family members of mobilized members of the reserve components of the armed forces who are eligible for such services under this chapter, including payment of a stipend for continuation of employer-provided health coverage during extended periods of active duty.''.

SEC. 713. TRAVEL FOR ANESTHESIA SERVICES FOR CHILDBIRTH FOR DEPENDENTS OF MEMBERS ASSIGNED TO VERY REMOTE LOCATIONS OUTSIDE THE CONTINENTAL UNITED STATES.

Section 1040(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)''; and

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

''(2)(A) For purposes of paragraph (1), required medical attention of a dependent shall include anesthesia services for childbirth for the dependent equivalent to the anesthesia services for childbirth that would be available to the dependent in military treatment facilities located in the United States.

''(B) In the case of a dependent in a remote location outside the continental United States who elects services authorized by subparagraph (A), the transportation authorized in paragraph (1) may consist of transportation to a military treatment facility providing such services that is located in the continental United States nearest to the closest port of entry into the continental United States from such remote location.

''(C) The second through sixth sentences of paragraph (1) shall apply to a dependent provided transportation under this paragraph.

''(D) Notwithstanding any other provision of this paragraph, the total cost incurred by the United States for the provision of transportation and expenses (including per diem) with respect to a dependent under this paragraph may not exceed the cost the United States would otherwise incur for the provision of transportation and expenses with respect to the dependent under paragraph (1) if the transportation and expenses were provided to the dependent under paragraph (1) rather than this paragraph.''.

Subtitle C—Other Health Care Matters

SEC. 721. REPEAL OF PROHIBITION ON CONVERSION OF MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSITIONS.

(a) REPEAL.—Subsection (a) of section 721 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 198; 10 U.S.C. 129c note) is repealed.

(b) REVIVAL OF CERTIFICATION AND REPORT REQUIREMENTS ON CONVERSION OF POSITIONS.—

(1) IN GENERAL.—The provisions of subsections (a) and (b) of section 742 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2306), as in effect on January 27, 2008 (the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008), are hereby revived.

(2) APPLICABLE DEFINITIONS.—In the discharge of subsections (a) and (b) of section 742 of the John Warner National Defense Authorization Act for Fiscal Year 2007, as revived by paragraph (1), the following definitions shall apply:

(A) The definitions in paragraphs (1) through (4) of section 742(f) of the John Warner National Defense Authorization Act for Fiscal Year 2007, as in effect on January 27, 2008.

(B) The definition in section 721(d)(4) of the National Defense Authorization Act for Fiscal Year 2008.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

SEC. 801. INCLUSION OF MAJOR SUBPROGRAMS TO MAJOR DEFENSE ACQUISITION PROGRAMS UNDER ACQUISITION REPORTING REQUIREMENTS.

(a) AUTHORITY TO DESIGNATE MAJOR SUBPROGRAMS AS SUBJECT TO ACQUISITION REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Chapter 144 of title 10, United States Code, is amended by inserting after section 2430 following new section:

''§ 2430a. Major subprograms

''(a) AUTHORITY TO DESIGNATE MAJOR SUBPROGRAMS AS SUBJECT TO ACQUISITION REPORTING REQUIREMENTS.—(1) If the Secretary of Defense determines that a major defense acquisition program requires the delivery of two or more categories of end items which differ significantly from each other in form and function, the Secretary may designate each such category of end items as a major subprogram for the purposes of acquisition reporting under this chapter.

''(2) The Secretary shall notify the congressional defense committees in writing of any proposed designation pursuant to paragraph (1) not less than 30 days before the date such designation takes effect.

''(b) REPORTING REQUIREMENTS.—If the Secretary designates a major subprogram of a major defense acquisition program in accordance with subsection (a), Selected Acquisition Reports, unit cost reports, and program baselines under this chapter shall reflect cost, schedule, and performance information—

''(1) for the major defense acquisition program as a whole; and

''(2) for each major subprogram of the major defense acquisition program so designated.

''(c) UNIT COSTS.—Notwithstanding paragraphs (1) and (2) of section 2432(a) of this title, in the case of a major defense acquisition program for which the Secretary has designated one or more major subprograms under this section for the purposes of this chapter—

''(1) the term 'program acquisition unit cost' means the total cost for the development and procurement of, and specific military construction for, the major defense acquisition program that is reasonably allocable to each such major subprogram, divided by the relevant number of fully-configured end items to be produced under such major subprogram; and

''(2) the term 'procurement unit cost' means the total of all funds programmed to be available for obligation for procurement for each such major subprogram, divided by the number of fully-configured end items to be procured under such major subprogram.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of such title is amended by inserting after the item relating to section 2430 the following new item:

''2430a. Major subprograms.''.

(b) CONFORMING AMENDMENTS.—Chapter 144 of such title is further amended as follows:

(1) In section 2432—

(A) in subsection (c)—

(i) in paragraph (1)(B)—

(I) by inserting ''or designated major subprogram'' after ''for each major defense acquisition program''; and

(II) by inserting ''or subprogram'' after ''the program'';

(ii) in paragraph (3)(A), by inserting ''or designated major subprogram'' after ''for each major defense acquisition program''; and

(B) in subsection (e)—

(i) in paragraph (3), by inserting before the period the following: ''for the program (or for each designated major subprogram under the program)''; and

(ii) in paragraph (5), by inserting before the period the following: ''(or for each designated major subprogram under the program)''.

(2) In section 2433—

(A) in subsection (a)—

(i) by striking ''The terms'' and inserting ''Except as provided in section 2430a(c) of this title, the terms'';

(ii) in paragraph (4)—

(I) in subparagraphs (A) and (B), by inserting ''or designated major defense subprogram'' after ''major defense acquisition program''; and

(II) by inserting ''or subprogram'' after ''the program'' each place it appears; and

(iii) in paragraph (5)—

(I) in subparagraphs (A) and (B), by inserting ''or designated major defense subprogram'' after ''major defense acquisition program''; and

(II) by inserting ''or subprogram'' after ''the program'' each place it appears;

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by inserting ''(and for each designated major subprogram under the program'' after ''unit costs of the program'';

(ii) in paragraph (1), by inserting before the period the following: ''for the program (or for each designated major subprogram under the program)'';

(iii) in paragraph (2), by inserting before the period the following: ''for the program (or for each designated major subprogram under the program)''; and

(iv) in paragraph (5), by inserting ''or subprogram'' after ''the program'' each place it appears (other than the last place it appears);

(C) in subsection (c)—

(i) by striking ''the program acquisition unit cost for the program or the procurement unit cost for the program'' and inserting ''the program acquisition unit cost for the program (or for a designated major subprogram under the program) or the procurement unit cost for the program (or for such a subprogram)''; and

(ii) by striking ''for the program'' after ''significant cost growth threshold'';

(D) in subsection (d)—

(i) in paragraph (1)—

(I) by inserting ''or any designated major subprogram under the program'' after ''for the program'' the first place it appears; and

(II) by inserting ''or subprogram'' after ''the program'' the second place it appears;

(ii) in paragraph (2)—

(I) by inserting ''or any designated major subprogram under the program'' after ''the program'' the first place it appears; and

(II) by inserting ''or subprogram'' after ''the program'' the second place it appears; and

(iii) in paragraph (3), by striking ''such program'' and inserting ''the program or subprogram concerned'';

(E) in subsection (e)—

(i) in paragraph (1)—

(I) in subparagraph (A)—

(aa) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(bb) by inserting ''or subprogram'' after ''the program''; and

(II) in subparagraph (B)—

(aa) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(bb) by inserting ''or subprogram'' after ''that program'';

(ii) in paragraph (2)—

(I) in the matter preceding subparagraph (A)—

(aa) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(bb) by inserting ''or subprogram'' after ''the program'';

(II) in subparagraph (A), by inserting ''or subprogram'' after ''program'' each place it appears;

(III) in subparagraph (B), by inserting ''or subprogram'' after ''such acquisition program'' each place it appears; and

(IV) in subparagraph (C), by inserting ''or subprogram'' after ''such program''; and

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A)—

(aa) by inserting ''or subprogram concerned'' after ''the program''; and

(bb) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(II) in subparagraphs (A) and (B), by inserting ''or subprogram'' after ''that program'' each place it appears; and

(F) in subsection (g)—

(i) in paragraph (1)—

(I) in subparagraph (D), by inserting ''(and for each designated major subprogram under the program)'' after ''the program'';

(II) in subparagraph (E), by inserting ''for the program (and for each designated major subprogram under the program)'' after ''program acquisition cost'';

(III) in subparagraph (F), by inserting before the period the following: ''for the program (or for any designated major subprogram under the program)'';

(IV) in subparagraph (J), by inserting ''for the program (or for each designated major subprogram under the program)'' after ''program acquisition unit cost'';

(V) in subparagraph (K), by inserting ''for the program (or for each designated major subprogram under the program)'' after ''procurement unit cost''; and

(VI) in subparagraph (O), by inserting before the period the following: ''for the program (or for any designated major subprogram under the program)''; and

(ii) in paragraph (2)—

(I) by inserting ''or designated major subprogram'' after ''major defense acquisition program'';

(II) by inserting ''or subprogram'' after ''the entire program''; and

(III) by inserting ''or subprogram'' after ''a program''.

SEC. 802. INCLUSION OF CERTAIN MAJOR INFORMATION TECHNOLOGY INVESTMENTS IN ACQUISITION OVERSIGHT AUTHORITIES FOR MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS.

(a) DEFINITIONS.—

(1) IN GENERAL.—Section 2445a of title 10, United States Code, is amended—

(A) in subsection (a), by striking ''IN GENERAL'' and inserting ''MAJOR AUTOMATED INFORMATION SYSTEM PROGRAM''; and

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

''(d) OTHER MAJOR INFORMATION TECHNOLOGY INVESTMENT PROGRAM.—In this chapter, the term 'other major information technology investment program' means the following:

''(1) An investment that is designated by the Secretary of Defense, or a designee of the Secretary, as a 'pre-Major Automated Information System' or 'pre-MAIS' program.

''(2) Any other investment in automated information system products or services that is expected to exceed the thresholds established in subsection (a), as adjusted under subsection (b), but is not considered to be a major automated information system program because a formal acquisition decision has not yet been made with respect to such investment.''.

(2) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 2445a. Definitions''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144A of such title is amended by striking the item relating to section 2445a and inserting the following new item:

''2445a. Definitions.''.

(b) COST, SCHEDULE, AND PERFORMANCE INFORMATION.—Section 2445b of such title is amended—

(1) in subsection (a), by inserting ''and each other major information technology investment program'' after ''each major automated information system program'';

(2) in subsection (b), by inserting ''REGARDING MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS'' after ''ELEMENTS''; and

(3) by adding at the end the following new subsection:

''(d) ELEMENTS REGARDING OTHER MAJOR INFORMATION TECHNOLOGY INVESTMENT PROGRAMS.—With respect to each other major information technology investment program, the information required by subsection (a) may be provided in the format that is most appropriate to the current status of the program.''.

(c) QUARTERLY REPORTS.—Section 2445c of such title is amended—

(1) in subsection (a)—

(A) by inserting ''or other major information technology investment'' after ''major automated information system'' the first place it appears; and

(B) by inserting ''or major information technology'' after ''major automated information system'' the second place it appears;

(2) in subsection (b)—

(A) by inserting ''or other major information technology investment'' after ''major automated information system'' in the matter preceding paragraph (1); and

(B) by inserting ''or information technology'' after ''automated information system'' each place it appears in paragraphs (1) and (2);

(3) in subsection (d)—

(A) in paragraph (1), by inserting ''or other major information technology investment'' after ''major automated information system''; and

(B) in paragraph (2)—

(i) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively; and

(ii) by striking subparagraph (A) and inserting the following new subparagraphs:

''(A) no Milestone B decision has been made after more than two years of investment in the program;

''(B) the system failed to achieve initial operational capability within three years after milestone B approval;'';

(iii) in subparagraph (C), as redesignated by clause (i) of this subparagraph, by inserting before the semicolon the following: ''or section 2445b(d) of this title, as applicable'';

(iv) in subparagraph (D), as so redesignated, by inserting before the semicolon the following: ''or section 2445b(d) of this title, as applicable''; and

(v) in subparagraph (E), as so redesignated—

(I) by inserting ''or major information technology'' after ''major automated information system''; and

(II) by inserting before the period the following: ''or section 2445b(d) of this title, as applicable'';

(4) in subsection (e), by inserting ''or other major information technology investment'' after ''major automated information system''; and

(5) in subsection (f)—

(A) by inserting ''or other major information technology investment'' after ''major automated information system'' in the matter preceding paragraph (1);

(B) in paragraph (1), by inserting ''or information technology'' after ''automated information system'';

(C) in paragraph (2), by inserting ''or technology'' after ''the system''; and

(D) in paragraph (3), by inserting ''or technology, as applicable,'' after ''the program and system''.

SEC. 803. CONFIGURATION STEERING BOARDS FOR COST CONTROL UNDER MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) CONFIGURATION STEERING BOARDS.—Each Secretary of a military department shall establish one or more boards (to be known as a ''Configuration Steering Board'') for the major defense acquisition programs of such department.

(b) COMPOSITION.—

(1) CHAIR.—Each Configuration Steering Board under this section shall be chaired by the service acquisition executive of the military department concerned.

(2) PARTICULAR MEMBERS.—Each Configuration Steering Board under this section shall include a representative of the following:

(A) The Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(B) The Chief of Staff of the Armed Force concerned.

(C) The Joint Staff.

(D) The Comptroller of the military department concerned.

(E) The military deputy to the service acquisition executive concerned.

(F) The program executive officer for the major defense acquisition program concerned.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Configuration Steering Board for a major defense acquisition program under this section shall be responsible for the following:

(A) Preventing unnecessary changes to program requirements and system configuration that could have an adverse impact on program cost or schedule.

(B) Mitigating the adverse cost and schedule impact of any changes to program requirements that may be required.

(C) Ensuring that the program delivers as much planned capability as possible, consistent with the program baseline.

(2) DISCHARGE OF RESPONSIBILITIES.—In discharging its responsibilities under this section with respect to a major defense acquisition program, a Configuration Steering Board shall—

(A) review and approve or disapprove any proposed changes to program requirements or system configuration that have the potential to adversely impact program cost or schedule; and

(B) review and recommend proposals to reduce program requirements that have the potential to improve program cost or schedule in a manner consistent with program objectives.

(3) PRESENTATION RECOMMENDATIONS ON REDUCTION IN REQUIREMENTS.—Any recommendation for a proposed reduction in requirements that is made by a Configuration Steering Board under paragraph (2)(B) shall be presented to appropriate organizations of the Joint Staff and the military departments responsible for such requirements for review and approval in accordance with applicable procedures.

(4) ANNUAL CONSIDERATION OF EACH MAJOR DEFENSE ACQUISITION PROGRAM.—The Secretary of the military department concerned shall ensure that a Configuration Steering Board under this section meets to consider each major defense acquisition program of such military department at least once each year.

(d) APPLICABILITY.—

(1) IN GENERAL.—The requirements of this section shall apply with respect to any major defense acquisition program that is commenced before, on, or after the date of the enactment of this Act.

(2) CURRENT PROGRAMS.—In the case of any major defense acquisition program that is ongoing as of the date of the enactment of this Act, a Configuration Steering Board under this section shall be established for such program not later than 60 days after the date of the enactment of this Act.

(e) GUIDANCE ON AUTHORITIES OF PROGRAM MANAGERS AFTER MILESTONE B.—

(1) MODIFICATION OF GUIDANCE ON AUTHORITIES.—Paragraph (2) of section 853(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2343) is amended to read as follows:

''(2) authorities available to the program manager, including—

''(A) the authority to object to the addition of new program requirements that would be inconsistent with the parameters established at Milestone B (or Key Decision Point B in the case of a space program) and reflected in the performance agreement, unless such requirements are approved by the appropriate Configuration Steering Board; and

''(B) the authority to recommend to the appropriate Configuration Steering Board reduced program requirements that have the potential to improve program cost or schedule in a manner consistent with program objectives; and''.

(2) APPLICABILITY.—The Secretary of Defense shall modify the guidance described in section 853(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 in order to take into account the amendment made by paragraph (1) not later than 60 days after the date of the enactment of this Act.

(f) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—In this section, the term ''major defense acquisition program'' has the meaning given that term in section 2430(a) of title 10, United States Code.

Subtitle B—Acquisition Policy and Management

SEC. 811. INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE BY CERTAIN NON-DEFENSE AGENCIES.

(a) INSPECTOR GENERAL REVIEWS AND DETERMINATIONS.—

(1) IN GENERAL.—For each covered non-defense agency, the Inspector General of the Department of Defense and the Inspector General of such non-defense agency shall, not later than March 15, 2009, jointly—

(A) review—

(i) the procurement policies, procedures, and internal controls of such non-defense agency that are applicable to the procurement of property and services on behalf of the Department by such non-defense agency; and

(ii) the administration of those policies, procedures, and internal controls; and

(B) determine in writing whether—

(i) such non-defense agency is compliant with defense procurement requirements;

(ii) such non-defense agency is not compliant with defense procurement requirements, but has a program or initiative to significantly improve compliance with defense procurement requirements;

(iii) neither of the conclusions stated in clauses (i) and (ii) is correct in the case of such non-defense agency; or

(iv) such non-defense agency is not compliant with defense procurement requirements to such an extent that the interests of the Department of Defense are at risk in procurements conducted by such non-defense agency.

(2) ACTIONS FOLLOWING CERTAIN DETERMINATIONS.—If the Inspectors General determine under paragraph (1) that the conclusion stated in clause (ii), (iii), or (iv) of subparagraph (B) of that paragraph is correct in the case of a covered non-defense agency, such Inspectors General shall, not later than June 15, 2010, jointly—

(A) conduct a second review, as described in subparagraph (A) of that paragraph, regarding such non-defense agency's procurement of property or services on behalf of the Department of Defense in fiscal year 2009; and

(B) determine in writing whether such non-defense agency is or is not compliant with defense procurement requirements.

(b) COMPLIANCE WITH DEFENSE PROCUREMENT REQUIREMENTS.—For the purposes of this section, a covered non-defense agency is compliant with defense procurement requirements if such non-defense agency's procurement policies, procedures, and internal controls applicable to the procurement of products and services on behalf of the Department of Defense, and the manner in which they are administered, are adequate to ensure such non-defense agency's compliance with the requirements of laws and regulations that apply to procurements of property and services made directly by the Department of Defense.

(c) MEMORANDA OF UNDERSTANDING BETWEEN INSPECTORS GENERAL.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Inspector General of the Department of Defense and the Inspector General of each covered non-defense agency shall enter into a memorandum of understanding with each other to carry out the reviews and make the determinations required by this section.

(2) SCOPE OF MEMORANDA.—The Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency may by mutual agreement conduct separate reviews of the procurement of property and services on behalf of the Department of Defense that are conducted by separate business units, or under separate governmentwide acquisition contracts, of such non-defense agency. In any case where such separate reviews are conducted, the Inspectors General shall make separate determinations under paragraph (1) or (2) of subsection (a), as applicable, with respect to each such separate review.

(d) LIMITATIONS ON PROCUREMENTS ON BEHALF OF DEPARTMENT OF DEFENSE.—

(1) LIMITATION DURING REVIEW PERIOD.—After March 15, 2009, and before June 16, 2010, no official of the Department of Defense may, except as provided in subsection (e) or (f), order, purchase, or otherwise procure property or services in an amount in excess of $100,000 through a covered non-defense agency for which a determination described in clause (iii) or (iv) of paragraph (1)(B) of subsection (a) has been made under subsection (a).

(2) LIMITATION AFTER REVIEW PERIOD.—After June 15, 2010, no official of the Department of Defense may, except as provided in subsection (e) or (f), order, purchase, or otherwise procure property or services in an amount in excess of $100,000 through a covered non-defense agency that, having been subject to review under this section, has not been determined under this section as being compliant with defense procurement requirements.

(3) LIMITATION FOLLOWING FAILURE TO REACH MOU.—Commencing on the date that is 60 days after the date of the enactment of this Act, if a memorandum of understanding between the Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency cannot be attained causing the review required by this section to not be performed, no official of the Department of Defense, except as provided in subsection (e) or (f), may order, purchase or otherwise procure property or services in an amount in excess of $100,000 through such non-defense agency.

(e) EXCEPTION FROM APPLICABILITY OF LIMITATIONS.—

(1) EXCEPTION.—No limitation applies under subsection (d) with respect to the procurement of property and services on behalf of the Department of Defense by a covered non-defense agency during any period that there is in effect a determination of the Under Secretary of Defense for Acquisition, Technology, and Logistics, made in writing, that it is necessary in the interest of the Department of Defense to continue to procure property and services through such non-defense agency.

(2) APPLICABILITY OF DETERMINATION.—A written determination with respect to a covered non-defense agency under paragraph (1) is in effect for the period, not in excess of one year, that the Under Secretary shall specify in the written determination. The Under Secretary may extend from time to time, for up to one year at a time, the period for which the written determination remains in effect.

(f) TERMINATION OF APPLICABILITY OF LIMITATIONS.—Subsection (d) shall cease to apply to a covered non-defense agency on the date on which the Inspector General of the Department of Defense and the Inspector General of such non-defense agency jointly—

(1) determine that such non-defense agency is compliant with defense procurement requirements; and

(2) notify the Secretary of Defense of that determination.

(g) IDENTIFICATION OF PROCUREMENTS MADE DURING A PARTICULAR FISCAL YEAR.—For the purposes of subsection (a), a procurement shall be treated as being made during a particular fiscal year to the extent that funds are obligated by the Department of Defense for that procurement in that fiscal year.

(h) RESOLUTION OF DISAGREEMENTS.—If the Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency are unable to agree on a joint determination under subsection (a) or (f), a determination by the Inspector General of the Department of Defense under such subsection shall be conclusive for the purposes of this section.

(i) DEFINITIONS.—In this section:

(1) The term ''covered non-defense agency'' means each of the following:

(A) The Department of Commerce.

(B) The Department of Energy.

(2) The term ''governmentwide acquisition contract'', with respect to a covered non-defense agency, means a task or delivery order contract that—

(A) is entered into by the non-defense agency; and

(B) may be used as the contract under which property or services are procured for one or more other departments or agencies of the Federal Government.

(j) MODIFICATION OF CERTAIN ADDITIONAL AUTHORITIES ON INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF DOD.—Section 801 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 202; 10 U.S.C. 2304 note) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by striking ''each of the Department of the Treasury, the Department of the Interior, and the National Aeronautics and Space Administration'' and inserting ''the Department of the Interior''; and

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

''(D) In the case of each of the Department of Commerce and the Department of Energy, by not later than March 15, 2015.''; and

(2) in subsection (f)(2)—

(A) by striking subparagraphs (B) and (D);

(B) by redesignating subparagraphs (C), (E), and (F) as subparagraphs (B), (C), and (D), respectively; and

(C) by adding at the end the following new subparagraphs:

''(E) The Department of Commerce.

''(F) The Department of Energy.''.

SEC. 812. CONTINGENCY CONTRACTING CORPS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2334. Contingency Contracting Corps

''(a) ESTABLISHMENT.—The Secretary of Defense shall establish within the Department of Defense a Contingency Contracting Corps (in this section, referred to as the 'Corps') to ensure the Department has the capability, when needed, to support contingency contracting actions in a deployed environment. The members of the Corps shall be available for deployment in connection with contingency operations both within and outside the continental United States, including reconstruction efforts relating thereto.

''(b) MEMBERSHIP.—Membership in the Corps shall be voluntary and open to all employees of the Department of Defense, including uniformed members of the Armed Forces, who are members of the defense acquisition workforce, as designated under section 1721 of this title.

''(c) EDUCATION AND TRAINING.—The Secretary of Defense may establish additional educational and training requirements for members of the Corps.

''(d) CLOTHING AND EQUIPMENT.—The Secretary of Defense may identify any necessary clothing and equipment requirements for members of the Corps.

''(e) SALARY.—The salaries for members of the Corps shall be paid by the Department of Defense out of existing appropriations.

''(f) AUTHORITY TO DEPLOY THE CORPS.—The Secretary of Defense, or the Secretary's designee, shall have the authority to determine when members of the Corps shall be deployed.

''(g) ANNUAL REPORT.—(1) The Secretary of Defense shall provide to the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives an annual report on the status of the Contingency Contracting Corps.

''(2) At a minimum, each report under paragraph (1) shall include the number of members of the Contingency Contracting Corps, the fully burdened cost of operating the program, the number of deployments of members of the program, and the performance of members of the program in deployment.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by adding at the end the following new item:

''2334. Contingency Contracting Corps.''.

SEC. 813. EXPEDITED REVIEW AND VALIDATION OF URGENT REQUIREMENTS DOCUMENTS.

(a) GUIDANCE FOR EXPEDITED PRESENTATION TO APPROPRIATE AUTHORITIES FOR REVIEW AND VALIDATION.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to the Secretaries of the military departments and the Chiefs of Staff of the Armed Forces to ensure that each urgent requirements document submitted by an operational field commander is presented to the appropriate authority for review and validation not later than 60 days after date on which such document is so submitted.

(b) DEFINITIONS.—In this section:

(1) The term ''urgent requirements document'' means the following:

(A) A Joint Urgent Operational Needs (JUON) document.

(B) An Army operational need statement (ONS).

(C) A Navy rapid deployment capability (RDC) document or Navy urgent operational need (UON) statement.

(D) An Air Force combat capability document (CCD).

(E) A Marine Corps urgent universal need statement (UUNS).

(F) A combat-mission need statement (CMNS) of the United States Special Operations Command.

(2) The term ''appropriate authority'' means the following:

(A) In the case of a Joint Urgent Operational Needs document, a Functional Capabilities Board or Joint Capabilities Board.

(B) In the case of an Army operational need statement, the Deputy Chief of Staff of the Army for Operations and Plans.

(C) In the case of a Navy rapid deployment capability document or Navy urgent operational need statement, the Assistant Secretary of the Navy for Research, Development, and Acquisition.

(D) In the case of an Air Force combat capability document, the commander of the lead major command of the Air Force.

(E) In the case of a Marine Corps urgent universal need statement, the Marine Requirements Oversight Council.

(F) In the case of a combat-mission need statement of the United States Special Operations Command, the Requirements Directorate of the United States Special Operations Command.

SEC. 814. INCORPORATION OF ENERGY EFFICIENCY REQUIREMENTS INTO KEY PERFORMANCE PARAMETERS FOR FUEL CONSUMING SYSTEMS.

(a) IMPLEMENTATION PLAN.—Not later than one year after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall develop an implementation plan for the incorporation of energy efficiency requirements into key performance parameters for the modification of existing fuel consuming systems of the Department of Defense and the development of new fuel consuming systems. The implementation plan shall include—

(1) policies, regulations, and directives to ensure that appropriate officials incorporate such energy efficiency requirements into such performance parameters; and

(2) a plan for implementing such requirements.

(b) REPORT.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit a report on the plan required under subsection (a), including an assessment of progress made in implementing requirements to incorporate energy efficiency requirements into key performance parameters for fuel consuming systems of the Department of Defense, as part of the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2010 and each fiscal year thereafter for five years (as submitted with the budget of the President under section 1105(a) of title 31, United States Code).

Subtitle C—Amendments Relating to General Contracting Authorities, Procedures, and Limitations

SEC. 821. MULTIYEAR PROCUREMENT AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR THE PURCHASE OF ALTERNATIVE AND SYNTHETIC FUELS.

(a) MULTIYEAR PROCUREMENT AUTHORIZED.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2410r. Multiyear procurement authority: purchase of alternative and synthetic fuels

''(a) MULTIYEAR CONTRACTS AUTHORIZED.—Subject to subsections (b) and (c), the head of an agency may enter into contracts for a period not to exceed 10 years for the purchase of alternative fuels or synthetic fuels.

''(b) LIMITATIONS ON CONTRACTS FOR PERIODS IN EXCESS OF FIVE YEARS.—The head of an agency may exercise the authority in subsection (a) to enter a contract for a period in excess of five years only if the head of the agency determines in writing, on the basis of a business case analysis prepared by the agency, that—

''(1) the proposed purchase of fuels under such contract is cost effective for the agency;

''(2) it would not be possible to purchase fuels from the source in an economical manner without the use of a contract for a period in excess of five years; and

''(3) the contract will comply with the requirements of subsection (c) and section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142).

''(c) LIMITATION ON LIFECYCLE GREENHOUSE GAS EMISSIONS.—The head of an agency may not purchase alternative fuels or synthetic fuels under the authority in subsection (a) unless the contract specifies that lifecycle greenhouse gas emissions associated with the production and combustion of the fuels to be provided under the contract are not greater than such emissions from conventional petroleum-based fuels that are used in the same application.

''(d) DEFINITIONS.—In this section:

''(1) The term 'head of an agency' has the meaning given that term in section 2302(1) of this title.

''(2) The term 'alternative fuel' has the meaning given that term in section 301(2) of the Energy Policy Act of 1992 (42 U.S.C. 13211(2)).

''(3) The term 'synthetic fuel' means any liquid, gas, or combination thereof that—

''(A) can be used as a substitute for petroleum or natural gas (or any derivative thereof, including chemical feedstocks); and

''(B) is produced by chemical or physical transformation of domestic sources of energy.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by adding at the end the following new item:

''2410r. Multiyear procurement authority: purchase of alternative and synthetic fuels.''.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations providing that the head of an agency may initiate a multiyear contract as authorized by section 2410r of title 10, United States Code (as added by subsection (a)), only if the head of the agency has determined in writing that—

(A) there is a reasonable expectation that throughout the contemplated contract period the head of the agency will request funding for the contract at the level required to avoid contract cancellation;

(B) there is a stable design for all related technologies to the purchase of alternative and synthetic fuels as so authorized;

(C) the technical risks associated with such technologies are not excessive;

(D) the multiyear contract will contain appropriate pricing mechanisms to minimize risk to the government from significant changes in market prices for energy;

(E) there is in place a regulatory regime adequate to ensure compliance with the requirements of section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1663; 42 U.S.C. 17142) and other applicable environmental laws; and

(F) the contractor has received all regulatory approvals necessary for the production of the alternative and synthetic fuels to be supplied under the contract.

(2) MINIMUM ANTICIPATED SAVINGS.—The regulations required by paragraph (1) shall provide that, in any case in which the estimated total expenditure under a multiyear contract (or several multiyear contracts with the same prime contractor) under section 2410r of title 10, United States Code (as so added), are anticipated to be more than (or, in the case of several contracts, the aggregate of which is anticipated to be more than) $540,000,000 (in fiscal year 1990 constant dollars), the head of an agency may initiate such contract under such section only upon a finding that use of such contract will result in savings exceeding 10 percent of the total anticipated costs of procuring an equivalent amount of fuel for the same application through other means. If such estimated savings will exceed 5 percent of the total anticipated costs of procuring an equivalent amount of fuel for the same application through other means, but not exceed 10 percent of such costs, the head of the agency may initiate such contract under such section only upon a finding in writing that an exceptionally strong case has been made with regard to findings required in paragraph (1).

(3) LIMITATION ON USE OF AUTHORITY.—No contract may be entered into under the authority in section 2410r of title 10, United States Code (as so added), until the regulations required by paragraph (1) are prescribed.

(c) RELATIONSHIP TO OTHER MULTIYEAR CONTRACTING AUTHORITY.—Nothing in this section or the amendments made by this section shall be construed to preclude the Department of Defense from using other applicable multiyear contracting authority of the Department of Defense to purchase energy, including renewable energy.

SEC. 822. MODIFICATION AND EXTENSION OF PILOT PROGRAM FOR TRANSITION TO FOLLOW-ON CONTRACTS UNDER AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

(a) EXPANSION OF SCOPE OF PILOT PROGRAM.—Paragraph (1) of section 845(e) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended by striking ''under prototype projects carried out under this section'' and inserting ''developed under prototype projects carried out under this section or research projects carried out pursuant to section 2371 of title 10, United States Code''.

(b) FOUR-YEAR EXTENSION OF AUTHORITY.—Paragraph (4) of such section is amended by striking ''September 30, 2008'' and inserting ''September 30, 2012''.

SEC. 823. EXCLUSION OF CERTAIN FACTORS IN CONSIDERATION OF COST ADVANTAGES OF OFFERS FOR CERTAIN DEPARTMENT OF DEFENSE CONTRACTS.

Not later than 90 days after the date of the enactment of this Act, the Department of Defense Supplement to the Federal Acquisition Regulation shall be revised to ensure that, in any competition for a contract with a value in excess of $10,000,000, an offeror does not receive an advantage for a proposal that would reduce costs for the Department of Defense as a consequence of any corporate structure a principal purpose of which is to enable the offeror to avoid the payment of taxes to the Federal Government or any State government, including taxes imposed under subtitle C of the Internal Revenue Code of 1986 and any similar taxes imposed by a State government, for or on behalf of employees of the offeror or any subsidiary or affiliate of the offeror.

Subtitle D—Department of Defense Contractor Matters

SEC. 831. DATABASE FOR DEPARTMENT OF DEFENSE CONTRACTING OFFICERS AND SUSPENSION AND DEBARMENT OFFICIALS.

(a) IN GENERAL.—Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall establish and maintain a database of information regarding integrity and performance of certain persons awarded Department of Defense contracts for use by Department of Defense officials having authority over contracts.

(b) PERSONS COVERED.—The database shall cover any person awarded a Department of Defense contract in excess of $500,000 if any information described in subsection (c) exists with respect to such person.

(c) INFORMATION INCLUDED.—With respect to a person awarded a Department of Defense contract, the database shall include information (in the form of a brief description) for at least the most recent 5-year period regarding the following:

(1) Each civil or criminal proceeding, or any administrative proceeding, in connection with the award or performance of a contract with the Federal Government or, to the maximum extent practicable, a State government with respect to the person during the period to the extent that such proceeding results in the following dispositions:

(A) In a criminal proceeding, a conviction.

(B) In a civil proceeding, a finding of liability that results in the payment of a monetary fine, penalty, reimbursement, restitution, or damages of $5,000 or more.

(C) In an administrative proceeding, a finding of liability that results in—

(i) the payment of a monetary fine or penalty of $5,000 or more; or

(ii) the payment of a reimbursement, restitution, or damages in excess of $100,000.

(D) In a civil or administrative proceeding, a disposition of the matter by consent or compromise if the proceeding could have led to any of the outcomes specified in subparagraph (A), (B), or (C).

(2) Each Federal contract and grant awarded to the person that was terminated in such period due to default.

(3) Each Federal suspension and debarment of the person in that period.

(4) Each Federal administrative agreement entered into by the person and the Federal Government in that period to resolve a suspension or debarment proceeding and, to the maximum extent practicable, each agreement involving a suspension or debarment proceeding entered into by the person and a State government in that period.

(5) Each final finding by a Federal official in that period that the person has been determined not to be a responsible source under either subparagraph (C) or (D) of section 4(7) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(7)).

(d) REQUIREMENTS RELATING TO INFORMATION IN DATABASE.—

(1) DIRECT INPUT AND UPDATE.—The Under Secretary shall design and maintain the database in a manner that allows the appropriate officials of the Department of Defense to directly input and update in the information in the database relating to actions such officials have taken with regard to contractors.

(2) TIMELINESS AND ACCURACY.—The Under Secretary shall develop policies to require—

(A) the timely and accurate input of information into the database;

(B) notification of any covered person when information relevant to the person is entered into the database; and

(C) an opportunity for any covered person to submit comments pertaining to information about such person in the database.

(e) USE OF DATABASE.—

(1) AVAILABILITY TO GOVERNMENT OFFICIALS.—The Under Secretary shall ensure that the database is available to all acquisition professionals of the Department of Defense and to Congress. This subsection does not limit the availability of the database to other Department of Defense officials or to government officials outside the Department of Defense that the Under Secretary determines warrant access.

(2) REVIEW AND ASSESSMENT OF DATA.—

(A) IN GENERAL.—Before awarding a contract in excess of $500,000, the Department of Defense official responsible for awarding the contract shall review the database and shall consider information in the database with regard to any offer, along with other past performance information available with respect to that offeror, in making any responsibility determination or past performance evaluation for such offeror.

(B) DOCUMENTATION IN CONTRACT FILE.—The contract file for each contract of the Department of Defense in excess of $500,000 shall document the manner in which the material in the database was considered in any responsibility determination or past performance evaluation.

(f) DISCLOSURE IN APPLICATIONS.—Not later than 180 days after the date of the enactment of this Act, the Defense Supplement to the Federal Acquisition Regulation shall be amended to require that persons with Department of Defense contracts valued in total greater than $10,000,000 must semiannually submit to the Under Secretary a report that includes the information subject to inclusion in the database as listed in paragraphs (1) through (5) of subsection (c).

SEC. 832. ETHICS SAFEGUARDS FOR EMPLOYEES UNDER CERTAIN CONTRACTS FOR THE PERFORMANCE OF ACQUISITION FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS.

(a) CONTRACT CLAUSE REQUIRED.—Each contract (or task or delivery order) in excess of $500,000 that calls for the performance of acquisition functions closely associated with inherently governmental functions for or on behalf of the Department of Defense shall include a contract clause addressing financial conflicts of interests of contractor employees who will be responsible for the performance of such functions.

(b) CONTENTS OF CONTRACT CLAUSE.—The contract clause required by subsection (a) shall, at a minimum—

(1) require the contractor to prohibit any employee of the contractor from performing any functions described in subsection (a) under such a contract (or task or delivery order) relating to a program, company, contract, or other matter in which the employee (or a member of the employee's immediate family) has a financial interest without the express written approval of the contracting officer;

(2) require the contractor to obtain, review, update, and maintain as part of its personnel records a financial disclosure statement from each employee assigned to perform functions described in paragraph (1) under such a contract (or task or delivery order) that is sufficient to enable the contractor to ensure compliance with the requirements of paragraph (1);

(3) require the contractor to prohibit any employee of the contractor who is responsible for performing functions described in paragraph (1) under such a contract (or task or delivery order) relating to a program, company, contract, or other matter from accepting a gift from the affected company or from an individual or entity that has a financial interest in the program, contract, or other matter;

(4) require the contractor to prohibit contractor personnel who have access to nonpublic government information obtained while performing work on such a contract (or task or delivery order) from using such information for personal gain;

(5) require the contractor to take appropriate disciplinary action in the case of employees who fail to comply with prohibitions established pursuant to this section;

(6) require the contractor to promptly report any failure to comply with the prohibitions established pursuant to this section to the contracting officer for the applicable contract or contracts;

(7) include appropriate definitions of the terms ''financial interest'' and ''gift'' that are similar to the definitions in statutes and regulations applicable to Federal employees;

(8) establish appropriate contractual penalties for failures to comply with the requirements of paragraphs (1) through (6); and

(9) provide such additional safeguards, definitions, and exceptions as may be necessary to safeguard the public interest.

(c) FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS DEFINED.—In this section, the term ''functions closely associated with inherently governmental functions'' has the meaning given that term in section 2383(b)(3) of title 10, United States Code.

(d) EFFECTIVE DATE.—This section shall take effect 30 days after the date of the enactment of this Act, and shall apply to—

(1) contracts entered on or after that effective date; and

(2) task or delivery orders awarded on or after that effective date, regardless of whether the contracts pursuant to which such task or delivery orders are awarded are entered before, on, or after the date of the enactment of this Act.

SEC. 833. INFORMATION FOR DEPARTMENT OF DEFENSE CONTRACTOR EMPLOYEES ON THEIR WHISTLEBLOWER RIGHTS.

(a) IN GENERAL.—The Secretary of Defense shall prescribe in regulations a policy for informing employees of a contractor of the Department of Defense of their whistleblower rights and protections under section 2409 of title 10, United States Code, as implemented by subpart 3.9 of part I of title 48, Code of Federal Regulations.

(b) ELEMENTS.—The regulations required by subsection (a) shall include requirements as follows:

(1) Employees of Department of Defense contractors shall be notified in writing of the provisions of section 2409 of title 10, United States Code.

(2) Notice to employees of Department of Defense contractors under paragraph (1) shall state that the restrictions imposed by any employee agreement or nondisclosure agreement shall not supersede, conflict with, or otherwise alter the employee rights created by section 2409 of title 10, United States Code, or the regulations implementing such section.

(c) CONTRACTOR DEFINED.—In this section, the term ''contractor'' has the meaning given that term in section 2409(e)(4) of title 10, United States Code.

Subtitle E—Matters Relating to Iraq and Afghanistan

SEC. 841. PERFORMANCE BY PRIVATE SECURITY CONTRACTORS OF INHERENTLY GOVERNMENTAL FUNCTIONS IN AN AREA OF COMBAT OPERATIONS.

(a) MODIFICATION OF REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the regulations issued by the Secretary of Defense pursuant to section 862(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 254; 10 U.S.C. 2302 note) shall be modified to ensure that private security contractors are not authorized to perform inherently governmental functions in an area of combat operations.

(b) ELEMENTS.—The modification of regulations pursuant to subsection (a) shall provide, at a minimum, each of the following:

(1) That security operations for the protection of resources (including people, information, equipment, and supplies) in uncontrolled or unpredictable high threat environments are inherently governmental functions if such security operations—

(A) will be performed in highly hazardous public areas where the risks are uncertain and could reasonably be expected to require deadly force that is more likely to be initiated by personnel performing such security operations than by others; or

(B) could reasonably be expected to require immediate discretionary decisions on the appropriate course of action or the acceptable level of risk (such as judgments on the appropriate level of force, acceptable level of collateral damage, and whether the target is friend or foe), the outcome of which could significantly affect the life, liberty, or property of private persons or the international relations of the United States.

(2) That the agency awarding the contract has appropriate mechanisms in place to ensure that private security contractors operate in a manner consistent with the regulations issued by the Secretary of Defense pursuant to such section 862(a), as modified pursuant to this section.

(c) PERIODIC REVIEW OF PERFORMANCE OF FUNCTIONS.—

(1) IN GENERAL.—The Secretary of Defense shall, in coordination with the heads of other appropriate agencies, periodically review the performance of private security functions in areas of combat operations to ensure that such functions are authorized and performed in a manner consistent with the requirements of this section.

(2) REPORTS.—Not later than June 1 of each of 2009, 2010, and 2011, the Secretary shall submit to the congressional defense committees a report on the results of the most recent review conducted under paragraph (1).

SEC. 842. ADDITIONAL CONTRACTOR REQUIREMENTS AND RESPONSIBILITIES RELATING TO ALLEGED CRIMES BY OR AGAINST CONTRACTOR PERSONNEL IN IRAQ AND AFGHANISTAN.

(a) IN GENERAL.—Section 861(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 253; 10 U.S.C. 2302 note) is amended by adding the following new paragraphs:

''(7) Mechanisms for ensuring that contractors are required to report offenses described in paragraph (6) that are alleged to have been committed by or against contractor personnel to appropriate investigative authorities.

''(8) Responsibility for providing victim and witness protection and assistance to contractor employees and other persons supporting the mission of the United States Government in Iraq or Afghanistan in connection with alleged offenses described in paragraph (6).''.

(b) IMPLEMENTATION.—The memorandum of understanding required by section 861(a) of the National Defense Authorization Act for Fiscal Year 2008 shall be modified to address the requirements under the amendment made by subsection (a) not later than 90 days after the date of the enactment of this Act.

SEC. 843. CLARIFICATION AND MODIFICATION OF AUTHORITIES RELATING TO THE COMMISSION ON WARTIME CONTRACTING IN IRAQ AND AFGHANISTAN.

(a) NATURE OF COMMISSION.—Subsection (a) of section 841 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 230) is amended by inserting ''in the legislative branch'' after ''There is hereby established''.

(b) PAY AND ANNUITIES OF MEMBERS AND STAFF ON FEDERAL REEMPLOYMENT.—Subsection (e) of such is amended by adding at the end the following new paragraph:

''(8) PAY AND ANNUITIES OF MEMBERS AND STAFF ON FEDERAL REEMPLOYMENT.—If warranted by circumstances described in subparagraph (A) or (B) of section 8344(i)(1) of title 5, United States Code, or by circumstances described in subparagraph (A) or (B) of section 8468(f)(1) of such title, as applicable, a co-chairman of the Commission may exercise, with respect to the members and staff of the Commission, the same waiver authority as would be available to the Director of the Office of Personnel Management under such section.''.

(c) EFFECTIVE DATE.—

(1) NATURE OF COMMISSION.—The amendment made by subsection (a) shall take effect as of January 28, 2008, as if included in the enactment of the National Defense Authorization Act for Fiscal Year 2008.

(2) PAY AND ANNUITIES.—The amendment made by subsection (b) shall apply to members and staff of the Commission on Wartime Contracting in Iraq and Afghanistan appointed or employed, as the case may be, on or after that date.

SEC. 844. COMPREHENSIVE AUDIT OF SPARE PARTS PURCHASES AND DEPOT OVERHAUL AND MAINTENANCE OF EQUIPMENT FOR OPERATIONS IN IRAQ AND AFGHANISTAN.

(a) AUDITS REQUIRED.—The Army Audit Agency, the Navy Audit Service, and the Air Force Audit Agency shall each conduct thorough audits to identify potential waste, fraud, and abuse in the performance of the following:

(1) Department of Defense contracts, subcontracts, and task and delivery orders for—

(A) depot overhaul and maintenance of equipment for the military in Iraq and Afghanistan; and

(B) spare parts for military equipment used in Iraq and Afghanistan; and

(2) Department of Defense in-house overhaul and maintenance of military equipment used in Iraq and Afghanistan.

(b) COMPREHENSIVE AUDIT PLAN.—

(1) PLANS.—The Army Audit Agency, the Navy Audit Service, and the Air Force Audit

Agency shall, in coordination with the Inspector General of the Department of Defense, develop a comprehensive plan for a series of audits to discharge the requirements of subsection (a).

(2) INCORPORATION INTO REQUIRED AUDIT PLAN.—The plan developed under paragraph (1) shall be submitted to the Inspector General of the Department of Defense for incorporation into the audit plan required by section 842(b)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 234; 10 U.S.C. 2302 note).

(c) INDEPENDENT CONDUCT OF AUDIT FUNCTIONS.—All audit functions performed under this section, including audit planning and coordination, shall be performed in an independent manner.

(d) AVAILABILITY OF RESULTS.—All audit reports resulting from audits under this section shall be made available to the Commission on Wartime Contracting in Iraq and Afghanistan established pursuant to section 841 of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 230).

Subtitle F—Other Matters

SEC. 851. EXPEDITED HIRING AUTHORITY FOR THE DEFENSE ACQUISITION WORKFORCE.

(a) IN GENERAL.—For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the Secretary of Defense may—

(1) designate any category of acquisition positions within the Department of Defense as shortage category positions; and

(2) utilize the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

(b) TERMINATION OF AUTHORITY.—The Secretary may not appoint a person to a position of employment under this section after September 30, 2012.

SEC. 852. SPECIFICATION OF SECRETARY OF DEFENSE AS "SECRETARY CONCERNED" FOR PURPOSES OF LICENSING OF INTELLECTUAL PROPERTY FOR THE DEFENSE AGENCIES AND DEFENSE FIELD ACTIVITIES.

Subsection (e) of section 2260 of title 10, United States Code, is amended to read as follows:

''(e) DEFINITIONS.—In this section:

''(1) The terms 'trademark', 'service mark', 'certification mark', and 'collective mark' have the meanings given such terms in section 45 of the Act of July 5, 1946 (commonly referred to as the Trademark Act of 1946; 15 U.S.C. 1127).

''(2) The term 'Secretary concerned' includes the Secretary of Defense, with respect to matters concerning the Defense Agencies and the defense field activities.''.

SEC. 853. REPEAL OF REQUIREMENTS RELATING TO THE MILITARY SYSTEM ESSENTIAL ITEM BREAKOUT LIST.

Section 813 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1543) is repealed.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

SEC. 901. MODIFICATION OF STATUS OF ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS.

Section 142 of title 10, United States Code, is amended by adding at the end the following:

''(c) The Assistant to the Secretary shall be considered an Assistant Secretary of Defense for purposes of section 138(d) of this title.''.

SEC. 902. PARTICIPATION OF DEPUTY CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE ON DEFENSE BUSINESS SYSTEM MANAGEMENT COMMITTEE.

(a) PARTICIPATION.—Subsection (a) of section 186 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Deputy Chief Management Officer of the Department of Defense.''.

(b) SERVICE AS VICE CHAIRMAN.—The second sentence of subsection (b) of such section is amended to read as follows: ''The Deputy Chief Management Officer of the Department of Defense shall serve as vice chairman of the Committee, and shall act as chairman in the absence of the Deputy Secretary of Defense.''.

SEC. 903. REPEAL OF OBSOLETE LIMITATIONS ON MANAGEMENT HEADQUARTERS PERSONNEL.

(a) REPEAL.—The following provisions of title 10, United States Code, are repealed:

(1) Section 143.

(2) Section 194.

(3) Subsection (f) of section 3014.

(4) Subsection (f) of section 5014.

(5) Subsection (f) of section 8014.

(b) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 143.

(2) The table of sections at the beginning of chapter 8 of such title is amended by striking the item relating to section 194.

SEC. 904. GENERAL COUNSEL TO THE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

Section 8 of the Inspector General Act of 1978 (50 U.S.C. App. 8) is amended by adding at the end the following new subsection:

''(h)(1) There is a General Counsel to the Inspector General of the Department of Defense, who shall be appointed by the Inspector General of the Department of Defense.

''(2)(A) Notwithstanding section 140(b) of title 10, United States Code, the General Counsel is the chief legal officer of the Office of the Inspector General.

''(B) The Inspector General is the exclusive legal client of the General Counsel.

''(C) The General Counsel shall perform such functions as the Inspector General may prescribe.

''(D) The General Counsel shall serve at the discretion of the Inspector General.

''(3) There is an Office of the General Counsel to the Inspector General of the Department of Defense. The Inspector General may appoint to the Office to serve as staff of the General Counsel such legal counsel as the Inspector General considers appropriate.''.

SEC. 905. ASSIGNMENT OF FORCES TO THE UNITED STATES NORTHERN COMMAND WITH PRIMARY MISSION OF MANAGEMENT OF THE CONSEQUENCES OF AN INCIDENT IN THE UNITED STATES HOMELAND INVOLVING A CHEMICAL, BIOLOGICAL, RADIOLOGICAL, OR NUCLEAR DEVICE, OR HIGH-YIELD EXPLOSIVES.

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

(1) As noted in the June 2005 Department of Defense Strategy for Homeland Defense and Civil Support, protecting the United States homeland from attack is the highest priority of the Department of Defense.

(2) As further noted in the June 2005 Department of Defense Strategy for Homeland Defense and Civil Support, ''[i]n the next ten years, terrorist groups, poised to attack the United States and actively seeking to inflict mass casualties or disrupt U.S. military operations, represent the most immediate challenge to the nation's security''.

(3) The Department of Defense established the United States Northern Command in October 2002 to provide command and control of the homeland defense efforts of the Department of Defense and to coordinate defense support of civil authorities, including defense support for Federal consequence management of chemical, biological, radiological, nuclear, or high-yield explosive incidents.

(4) The Commission on the National Guard and Reserves and the Government Accountability Office have criticized the capacity of the Department of Defense to respond to an incident in the United States homeland involving a chemical, biological, radiological, or nuclear device, or high-yield explosives due to a lack of capabilities to handle simultaneous weapons of mass destruction events and a lack of coordination and planning with the Department of Homeland Security and State and local governments.

(5) According to testimony to Congress by the Commander of United States Northern Command, the Secretary of Defense has directed that a full-time, dedicated force be trained and equipped by the end of fiscal year 2008 to provide defense support to civil authorities in the case of a chemical, biological, radiological, nuclear, or high-yield explosive incident within the United States. This force is to be assigned to the Commander of the United States Northern Command, and is to be followed by two additional such forces, comprised of units of the regular components of the Armed Forces and units and personnel of the National Guard, and Reserve, to be established over the course of fiscal years 2009 and 2010.

(6) The Department of Defense and United States Northern Command have begun the process of identifying, training, equipping, and assigning forces for the mission of managing the consequences of chemical, biological, radiological, nuclear, or high-yield explosive incidents in the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department of Defense should, as part of a Government-wide effort, make every effort to help protect the citizens of this Nation from the threat of an attack on the United States homeland involving a chemical, biological, radiological, or nuclear device, or high-yield explosives by terrorists or other aggressors;

(2) efforts to establish forces for the mission of managing the consequences of chemical, biological, radiological, nuclear, or high-yield explosive incidents in the United States should receive the highest level of attention within the Department of Defense; and

(3) the additional forces necessary for that mission should be identified, trained, equipped, and assigned to United States Northern Command as soon as possible.

(c) REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and one year and two years thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the progress made as of the date of such report in assigning to the United States Northern Command forces having the primary 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.

(2) ELEMENTS.—Each report submitted under paragraph (1) shall include the following:

(A) A description of the force structure, size, composition, and location of the units and personnel of the regular components of

the Armed Forces, and the units and personnel of the reserve components of the Armed Forces, assigned to the United States Northern Command that have the primary 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.

(B) A description of the progress made in developing procedures to mobilize and demobilize units and personnel of the reserve components of the Armed Forces that are assigned to the United States Northern Command as described in subparagraph (A).

(C) A description of the progress being made in the training and certification of units and personnel that are assigned to United States Northern Command as described in subparagraph (A).

(D) An assessment of the need to establish a national training center for training units and personnel of the Armed Forces in the management of the consequences of an incident in the United States homeland as described in subparagraph (A).

(E) A description of the progress made in addressing the shortfalls in the management of the consequences of an incident in the United States homeland as described in subparagraph (A) that are identified in—

(i) the reports of the Comptroller General of the United States numbered GAO–08–251 and GAO–08–252; and

(ii) the report of the Commission on the National Guard and Reserve.

SEC. 906. BUSINESS TRANSFORMATION INITIATIVES FOR THE MILITARY DEPARTMENTS.

(a) IN GENERAL.—The Secretary of each military department shall, acting through the Chief Management Officer of such military department, carry out an initiative for the business transformation of such military department.

(b) OBJECTIVES.—The objectives of the business transformation initiative of a military department under this section shall include, at a minimum, the following:

(1) The development of a comprehensive business transformation plan, with measurable performance goals and objectives, to achieve an integrated management system for the business operations of the military department.

(2) The development of a well-defined enterprise-wide business systems architecture and transition plan encompassing end-to-end business processes and capable of providing accurately and timely information in support of business decisions of the military department.

(3) The implementation of the business transformation plan developed pursuant to paragraph (1) and the business systems architecture and transition plan developed pursuant to paragraph (2).

(c) BUSINESS TRANSFORMATION OFFICES.—

(1) ESTABLISHMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of each military department shall establish within such military department an office (to be known as the ''Office of Business Transformation'' of such military department) to assist the Chief Management Officer of such military department in carrying out the initiative required by this section for such military department.

(2) HEAD.—The Office of Business Transformation of a military department under this subsection shall be headed by a Director of Business Transformation, who shall be appointed by the Chief Management Officer of the military department, in consultation with the Director of the Business Transformation Agency of the Department of Defense, from among individuals with significant experience managing large-scale organizations or business transformation efforts.

(3) SUPERVISION.—The Director of Business Transformation of a military department under paragraph (2) shall report directly to the Chief Management Officer of the military department, subject to policy guidance from the Director of the Business Transformation Agency of the Department of Defense.

(4) AUTHORITY.—In carrying out the initiative required by this section for a military department, the Director of Business Transformation of the military department under paragraph (2) shall have the authority to require elements of the military department to carry out actions that are within the purpose and scope of the initiative.

(d) RESPONSIBILITIES OF BUSINESS TRANSFORMATION OFFICES.—The Office of Business Transformation of a military department established pursuant to subsection (b) shall be responsible for the following:

(1) Transforming the budget, finance, and accounting operations of the military department in a manner that is consistent with the business transformation plan developed pursuant to subsection (b)(1).

(2) Eliminating or replacing financial management systems of the military department that are inconsistent with the business systems architecture and transition plan developed pursuant to subsection (b)(2).

(3) Ensuring that the business transformation plan and the business systems architecture and transition plan are implemented in a manner that is aggressive, realistic, and accurately measured.

(e) REQUIRED ELEMENTS.—In carrying out the initiative required by this section for a military department, the Chief Management Officer and the Director of Business Transformation of the military department shall ensure that each element of the initiative is consistent with—

(1) the requirements of the Business Enterprise Architecture and Transition Plan developed by the Secretary of Defense pursuant to section 2222 of title 10, United States Code;

(2) the Standard Financial Information Structure of the Department of Defense;

(3) the Federal Financial Management Improvement Act of 1996 (and the amendments made by that Act); and

(4) other applicable requirements of law and regulation.

(f) REPORTS ON IMPLEMENTATION.—

(1) INITIAL REPORTS.—Not later than six months after the date of the enactment of this Act, the Chief Management Officer of each military department shall submit to the congressional defense committees a report on the actions taken, and on the actions planned to be taken, by such military department to implement the requirements of this section.

(2) UPDATES.—Not later than March 1 of each of 2010, 2011, and 2012, the Chief Management Officer of each military department shall submit to the congressional defense committees a current update of the report submitted by such Chief Management Officer under paragraph (1).

Subtitle B—Space Matters

SEC. 911. SPACE POSTURE REVIEW.

(a) REQUIREMENT FOR COMPREHENSIVE REVIEW.—In order to clarify the national security space policy and strategy of the United States for the near term, the Secretary of Defense and the Director of National Intelligence shall jointly conduct a comprehensive review of the space posture of the United States over the posture review period.

(b) ELEMENTS OF REVIEW.—The review conducted under subsection (a) shall include, for the posture review period, the following:

(1) The definition, policy, requirements, and objectives for each of the following:

(A) Space situational awareness.

(B) Space control.

(C) Space superiority, including defensive and offensive counterspace and protection.

(D) Force enhancement and force application.

(E) Space-based intelligence and surveillance and reconnaissance from space.

(F) Integration of space and ground control and user equipment.

(G) Any other matter the Secretary considers relevant to understanding the space posture of the United States.

(2) A description of current and planned space acquisition programs that are in acquisition categories 1 and 2, including how each such program will address the policy, requirements, and objectives described under each of subparagraphs (A) through (G) of paragraph (1).

(3) A description of future space systems and technology development (other than such systems and technology in development as of the date of the enactment of this Act) necessary to address the policy, requirements, and objectives described under each of subparagraphs (A) through (G) of paragraph (1).

(4) An assessment of the relationship among the following:

(A) United States military space policy.

(B) National security space policy.

(C) National security space objectives.

(D) Arms control policy.

(E) Export control policy.

(5) An assessment of the effect of the military and national security space policy of the United States on the proliferation of weapons capable of targeting objects in space or objects on Earth from space.

(c) REPORT.—

(1) IN GENERAL.—Not later than December 1, 2009, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the congressional committees specified in paragraph (3) a report on the review conducted under subsection (a).

(2) FORM OF REPORT.—The report under this subsection shall be submitted in unclassified form, but may include a classified annex.

(3) COMMITTEES.—The congressional committees specified in this paragraph are—

(A) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(d) POSTURE REVIEW PERIOD DEFINED.—In this section, the term ''posture review period'' means the 10-year period beginning on February 1, 2009.

Subtitle C—Defense Intelligence Matters

SEC. 921. REQUIREMENT FOR OFFICERS OF THE ARMED FORCES ON ACTIVE DUTY IN CERTAIN INTELLIGENCE POSITIONS.

(a) IN GENERAL.—Effective as of October 1, 2008, the individual serving in each position specified in subsection (b) shall be a commissioned officer of the Armed Forces on active duty.

(b) SPECIFIED POSITIONS.—The positions specified in this subsection are the positions as follows:

(1) Principal deputy to the senior military officer serving as the Deputy Chief of the Army Staff for Intelligence.

(2) Principal deputy to the senior military officer serving as the Director of Intelligence for the Chief of Naval Operations.

(3) Principal deputy to the senior military officer serving as the Assistant to the Air Force Chief of Staff for Intelligence.

SEC. 922. TRANSFER OF MANAGEMENT OF INTELLIGENCE SYSTEMS SUPPORT OFFICE.

(a) TRANSFER OF MANAGEMENT GENERALLY.—

(1) TRANSFER.—Except as provided in subsection (b), management of the Intelligence Systems Support Office, and all programs and activities of that office as of April 1, 2008, including the Foreign Materials Acquisitions program, shall be transferred to the Defense Intelligence Agency.

(2) MANAGEMENT.—The programs and activities of the Intelligence Systems Support Office transferred under paragraph (1) shall, after transfer under that paragraph, be managed by the Director of the Defense Intelligence Agency.

(b) TRANSFER OF MANAGEMENT OF CENTER FOR INTERNATIONAL ISSUES RESEARCH.—

(1) TRANSFER.—Management of the Center for International Issues Research shall be transferred to the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

(2) MANAGEMENT.—The Center for International Issues Research shall, after transfer under paragraph (1), be managed by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

(c) DEADLINE FOR TRANSFERS OF MANAGEMENT.—The transfers of management required by subsections (a) and (b) shall occur not later than 30 days after the date of the enactment of this Act.

(d) LIMITATION ON CERTAIN AUTHORITY OF USD FOR INTELLIGENCE.—Effective as of December 1, 2008, the Under Secretary of Defense for Intelligence may not establish or maintain the capabilities as follows:

(1) A capability to execute programs of technology or systems development and acquisition.

(2) A capability to provide operational support to combatant commands.

SEC. 923. PROGRAM ON ADVANCED SENSOR APPLICATIONS.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall provide for the carrying out of a program on advanced sensor applications in order to provide for the evaluation by the Department of Defense on scientific and engineering grounds of foreign technology utilized for the detection and tracking of submarines.

(2) DESIGNATION.—The program under this section shall be known as the ''Advanced Sensor Applications Program''.

(b) RESPONSIBILITY FOR EXECUTION OF PROGRAM.—The program under this section shall be carried out by the Commander of the Naval Air Systems Command in consultation with the Program Executive Officer for Aviation of the Department of the Navy and the Director of Special Programs for the Chief of Naval Operations.

(c) PROGRAM REQUIREMENTS AND LIMITATIONS.—

(1) ACCESS TO CERTAIN INFORMATION.—In carrying out the program under this section, the Commander of the Naval Air Systems Command shall—

(A) have complete access to all United States intelligence relating to the detection and tracking of submarines; and

(B) be kept currently apprised of information and assessments of the Office of Naval Intelligence, the Defense Intelligence Agency, and the Central Intelligence Agency, and of information and assessments of the intelligence services of allies of the United States that are available to the United States, on matters relating to the detection and tracking of submarines.

(2) INDEPENDENCE OF PROGRAM.—The program under this section shall be carried out independently of the Office of Naval Intelligence, the Defense Intelligence Agency, the Central Intelligence Agency, and any other element of the intelligence community.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2009 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $5,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. INCORPORATION INTO ACT OF TABLES IN THE REPORT OF THE COMMITTEE ON ARMED SERVICES OF THE SENATE.

(a) INCORPORATION.—Each funding table in the report of the Committee on Armed Services of the Senate to accompany the bill S. _____ of the 110th Congress is hereby incorporated into this Act and is hereby made a requirement in law. Items in each such funding table shall be binding on agency heads in the same manner and to the same extent as if such funding table was included in the text of this Act, unless transfers of funding for such items are approved in accordance with established procedures.

(b) MERIT-BASED DECISIONS.—Decisions by agency heads to commit, obligate, or expend funds on the basis of any funding table incorporated into this Act pursuant to subsection (a) shall be based on authorized, transparent, statutory criteria, and merit-based decision-making in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, and other applicable provisions of law.

(c) ORAL AND WRITTEN COMMUNICATIONS.—No oral or written communication concerning any item in a funding table incorporated into this Act under subsection (a) shall supersede the requirements of subsection (b).

SEC. 1003. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2009.

(a) FISCAL YEAR 2009 LIMITATION.—The total amount contributed by the Secretary of Defense in fiscal year 2009 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) TOTAL AMOUNT.—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 2008, of funds appropriated for fiscal years before fiscal year 2009 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) AUTHORIZED AMOUNTS.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), $1,049,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), $408,788,000 for the Military Budget.

(d) DEFINITIONS.—For purposes of this section:

(1) COMMON-FUNDED BUDGETS OF NATO.—The term ''common-funded budgets of NATO'' means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) FISCAL YEAR 1998 BASELINE LIMITATION.—The term ''fiscal year 1998 baseline limitation'' means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. GOVERNMENT RIGHTS IN DESIGNS OF DEPARTMENT OF DEFENSE VESSELS, BOATS, CRAFT, AND COMPONENTS DEVELOPED USING PUBLIC FUNDS.

(a) IN GENERAL.—Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 7317. Government rights in designs of Department of Defense vessels, boats, craft, and components developed using public funds

''(a) IN GENERAL.—Government rights in the design of a vessel, boat, or craft, and its components, including the hull, decks, superstructure, and all shipboard equipment and systems, developed in whole or in part using public funds shall be determined solely as follows:

''(1) In the case of a vessel, boat, craft, or component procured through a contract, in accordance with the provisions of section 2320 of this title.

''(2) In the case of a vessel, boat, craft, or component procured through an instrument not governed by section 2320 of this title, by the terms of the instrument (other than a contract) under which the design for such vessel, boat, craft, or component, as applicable, was developed for the Government.

''(b) CONSTRUCTION OF SUPERSEDING AUTHORITIES.—This section may be modified or superseded by a provision of statute only if such provision expressly refers to this section in modifying or superseding this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 633 of

such title is amended by adding at the end the following new item:

''7317. Government rights in designs of Department of Defense vessels, boats, craft, and components developed using public funds.''.

SEC. 1012. REIMBURSEMENT OF EXPENSES FOR CERTAIN NAVY MESS OPERATIONS.

(a) IN GENERAL.—Amounts appropriated for operation and maintenance for the Navy may be used to pay the charge established under section 1011 of title 37, United States Code, for meals sold by messes for United States Navy and Naval Auxiliary vessels to the following:

(1) Members of nongovernmental organizations and officers or employees of host and foreign nations when participating in or providing support to United States civil-military operations.

(2) Foreign national patients treated on Naval vessels during the conduct of United States civil-military operations, and their escorts.

(b) EXPIRATION OF AUTHORITY.—The authority to pay for meals under subsection (a) shall expire on September 30, 2010.

Subtitle C—Counter-Drug Activities

SEC. 1021. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 371 note) is amended by striking ''through 2008'' and inserting ''through 2009''.

SEC. 1022. TWO-YEAR EXTENSION OF AUTHORITY FOR USE OF FUNDS FOR UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as amended by section 1023 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2382), is further amended—

(1) in subsection (a)(1), by striking ''through 2008'' and inserting ''through 2010''; and

(2) in subsection (c), by striking ''through 2008'' and inserting ''through 2010''.

Subtitle D—Miscellaneous Authorities and Limitations

SEC. 1031. PROCUREMENT BY STATE AND LOCAL GOVERNMENTS OF EQUIPMENT FOR HOMELAND SECURITY AND EMERGENCY RESPONSE ACTIVITIES THROUGH THE DEPARTMENT OF DEFENSE.

(a) EXPANSION OF PROCUREMENT AUTHORITY TO INCLUDE EQUIPMENT FOR HOMELAND SECURITY AND EMERGENCY RESPONSE ACTIVITIES.—

(1) PROCEDURES.—Subsection (a)(1) of section 381 of title 10, United States Code, is amended—

(A) in subsection (a)(1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''law enforcement''; and

(II) by inserting '', homeland security, and emergency response'' after ''counter-drug'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by inserting '', homeland security, or emergency response'' after ''counter-drug''; and

(II) in clause (i), by striking ''law enforcement'';

(iii) in subparagraph (C), by striking ''law enforcement'' each place it appears; and

(iv) in subparagraph (D), by striking ''law enforcement''.

(2) GSA CATALOG.—Subsection (c) of such section is amended—

(A) by striking ''law enforcement''; and

(B) by inserting '', homeland security, and emergency response'' after ''counter-drug''.

(3) DEFINITIONS.—Subsection (d) of such section is amended—

(A) in paragraph (2), by inserting ''or emergency response'' after ''law enforcement'' both places it appears; and

(B) in paragraph (3)—

(i) by striking ''law enforcement'';

(ii) by inserting '', homeland security, and emergency response'' after ''counter-drug''; and

(iii) by inserting ''and, in the case of equipment for homeland security activities, may not include any equipment that is not found on the Authorized Equipment List published by the Department of Homeland Security'' after ''purposes''.

(b) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 381. Procurement of equipment by State and local governments through the Department of Defense: equipment for counter-drug, homeland security, and emergency response activities''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 18 of such title is amended by striking the item relating to section 381 and inserting the following new item:

''381. Procurement of equipment by State and local governments through the Department of Defense: equipment for counter-drug, homeland security, and emergency response activities.''.

SEC. 1032. ENHANCEMENT OF THE CAPACITY OF THE UNITED STATES GOVERNMENT TO CONDUCT COMPLEX OPERATIONS.

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by adding the following new section:

''§ 409. Center for Complex Operations

''(a) CENTER AUTHORIZED.—The Secretary of Defense may establish within the Department of Defense a center to be known as the 'Center for Complex Operations' (in this section referred to as the 'Center').

''(b) PURPOSES.—The purposes of the Center established under subsection (a) shall be the following:

''(1) To provide for effective coordination in the preparation of Department of Defense personnel and other United States Government personnel for complex operations.

''(2) To foster unity of effort among the departments and agencies of the United States Government, foreign governments and militaries, international organizations, and nongovernmental organizations in their participation in complex operations.

''(3) To conduct research, collect, analyze, and distribute lessons learned, and compile best practices in matters relating to complex operations.

''(4) To identify gaps in the education and training of Department of Defense personnel, and other United States Government personnel, relating to complex operations, and to facilitate efforts to fill such gaps.

''(c) SUPPORT FROM OTHER UNITED STATES GOVERNMENT AGENCIES.—The head of any non-Department of Defense department or agency of the United States Government may—

''(1) provide to the Secretary of Defense services, including personnel support, to support the operations of the Center; and

''(2) transfer funds to the Secretary of Defense to support the operations of the Center.

''(d) ACCEPTANCE OF GIFTS AND DONATIONS.—(1) Subject to paragraph (3), the Secretary of Defense may accept from any source specified in paragraph (2) any gift or donation for purposes of defraying the costs or enhancing the operations of the Center.

''(2) The sources specified in this paragraph are the following:

''(A) The government of a State or a political subdivision of a State.

''(B) The government of a foreign country.

''(C) A foundation or other charitable organization, including a foundation or charitable organization that is organized or operates under the laws of a foreign country.

''(D) Any source in the private sector of the United States or a foreign country.

''(3) The Secretary may not accept a gift or donation under this subsection if acceptance of the gift or donation would compromise or appear to compromise—

''(A) the ability of the Department of Defense, any employee of the Department, or any member of the armed forces to carry out the responsibility or duty of the Department in a fair and objective manner; or

''(B) the integrity of any program of the Department or of any person involved in such a program.

''(4) The Secretary shall prescribe written guidance setting forth the criteria to be used in determining the applicability of paragraph (3) to any proposed gift or donation under this subsection.

''(e) CREDITING OF FUNDS TRANSFERRED OR ACCEPTED.—Funds transferred to or accepted by the Secretary of Defense under this section shall be credited to appropriations available to the Department of Defense for the Center, and shall be available for the same purposes, and subject to the same conditions and limitations, as the appropriations with which merged. Any funds so transferred or accepted shall remain available until expended.

''(f) DEFINITIONS.—In this section:

''(1) The term 'complex operation' means an operation as follows:

''(A) A stability operation.

''(B) A security operation.

''(C) A transition and reconstruction operation.

''(D) A counterinsurgency operation.

''(E) An operation consisting of irregular warfare.

''(2) The term 'gift or donation' means any gift or donation of funds, materials (including research materials), real or personal property, or services (including lecture services and faculty services).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title is amended by adding at the end the following new item:

''409. Center for Complex Operations.''.

SEC. 1033. CREDITING OF ADMIRALTY CLAIM RECEIPTS FOR DAMAGE TO PROPERTY FUNDED FROM A DEPARTMENT OF DEFENSE WORKING CAPITAL FUND.

Section 7623(b) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)'';

(2) in paragraph (1), as so designated, by striking the last sentence; and

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

''(2)(A) Except as provided in subparagraph (B), amounts received under this section shall be covered into the Treasury as miscellaneous receipts.

''(B) Amounts received under this section for damage or loss to property operated and maintained with funds from a Department of Defense working capital fund or account shall be credited to that fund or account.''.

SEC. 1034. MINIMUM ANNUAL PURCHASE REQUIREMENTS FOR AIRLIFT SERVICES FROM CARRIERS PARTICIPATING IN THE CIVIL RESERVE AIR FLEET.

(a) IN GENERAL.—Chapter 931 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 9515. Airlift services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet

''(a) IN GENERAL.—The Secretary of Defense may award to an air carrier or an air carrier contractor team arrangement participating in the Civil Reserve Air Fleet on a fiscal year basis a one-year contract for airlift services with a minimum purchase amount under such contract determined in accordance with this section.

''(b) ELIGIBLE CARRIERS.—In order to be eligible for payments under the minimum purchase amount provided by this section, an air carrier (or any air carrier participating in an air carrier contractor team arrangement)—

''(1) if under contract with the Department of Defense in the prior fiscal year, shall have an average on-time pick up rate, based on factors within such air carrier's control, of at least 90 percent;

''(2) shall offer such amount of commitment to the Civil Reserve Air Fleet in excess of the minimum required for participation in the Civil Reserve Air Fleet as the Secretary of Defense shall specify for purposes of this section; and

''(3) may not have refused a Department of Defense request to act as a host for other Civil Reserve Air Fleet carriers at intermediate staging bases during the prior fiscal year.

''(c) AGGREGATE MINIMUM PURCHASE AMOUNT.—(1) The aggregate amount of the minimum purchase amount for all contracts awarded under subsection (a) for a fiscal year shall be based on forecast needs, but may not exceed the amount equal to 80 percent of the average annual expenditure of the Department of Defense for commercial airlift services during the five-fiscal year period ending in the fiscal year before the fiscal year for which such contracts are awarded.

''(2) In calculating the average annual expenditure of the Department of Defense for airlift services for purposes of paragraph (1), the Secretary of Defense shall omit from the calculation any fiscal year exhibiting unusually high demand for commercial airlift services if the Secretary determines that the omission of such fiscal year from the calculation will result in a more accurate forecast of anticipated commercial airlift services for purposes of that paragraph.

''(d) ALLOCATION OF MINIMUM PURCHASE AMONG CONTRACTS.—(1) The aggregate amount of the minimum purchase amount for all contracts awarded under subsection (a) for a fiscal year, as determined under subsection (c), shall be allocated among all air carriers and air carrier contractor team arrangements awarded contracts under subsection (a) for such fiscal year in proportion to the commitments of such carriers to the Civil Reserve Air Fleet for such fiscal year.

''(2) In determining the minimum purchase amount payable under paragraph (1) under a contract under subsection (a) for airlift services provided by an air carrier or air carrier contractor team arrangement during the fiscal year covered by such contract, the Secretary of Defense may adjust the amount allocated to such carrier or arrangement under paragraph (2) to take into account periods during such fiscal year when airlift services of such carrier or a carrier in such arrangement are unavailable for usage by the Department of Defense, including during periods of refused business or suspended operations or when such carrier is placed in nonuse status pursuant to section 2640 of this title for safety reasons.

''(e) DISTRIBUTION OF AMOUNTS.—If any amount available under this section for the minimum purchase of airlift services from a carrier or air carrier contractor team arrangement for a fiscal year under a contract under subsection (a) is not utilized to purchase airlift services from the carrier or arrangement in such fiscal year, such amount shall be provided to the carrier or arrangement before the first day of the following fiscal year.

''(f) COMMITMENT OF FUNDS.—(1) The Secretary of each military department shall transfer to the transportation working capital fund a percentage of the total amount anticipated to be required in such fiscal year for the payment of minimum purchase amounts under all contracts awarded under subsection (a) for such fiscal year equivalent to the percentage of the anticipated use of airlift services by such military department during such fiscal year from all carriers under contracts awarded under subsection (a) for such fiscal year.

''(2) Any amounts required to be transferred under paragraph (1) shall be transferred by the last day of the fiscal year concerned to meet the requirements of subsection (e) unless minimum purchase amounts have already been distributed by the Secretary of Defense under subsection (e) as of that date.

''(g) AVAILABILITY OF AIRLIFT SERVICES.—(1) From the total amount of airlift services available for a fiscal year under all contracts awarded under subsection (a) for such fiscal year, a military department shall be entitled to obtain a percentage of such airlift services equal to the percentage of the contribution of the military department to the transportation working capital fund for such fiscal year under subsection (f).

''(2) A military department may transfer any entitlement to airlift services under paragraph (1) to any other military department or to any other agency, element, or component of the Department of Defense.

''(h) SUNSET.—The authorities in this section shall expire on December 31, 2015.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 941 of such title is amended by adding at the end the following new item:

''9515. Airlift services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet.''.

SEC. 1035. TERMINATION DATE OF BASE CONTRACT FOR THE NAVY-MARINE CORPS INTRANET.

Section 814 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–215), as amended by section 362 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1065) and Public Law 107–254 (116 Stat. 1733), is further amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection (j):

''(j) TERMINATION DATE OF BASE CONTRACT FOR NAVY-MARINE CORPS INTRANET.—Notwithstanding subsection (i), the base contract of the Navy-Marine Corps Intranet contract may terminate on October 31, 2010.''.

SEC. 1036. PROHIBITION ON INTERROGATION OF DETAINEES BY CONTRACTOR PERSONNEL.

(a) REGULATIONS REQUIRED.—Effective as of the date that is one year after the date of the enactment of this Act, the Department of Defense manpower mix criteria and the Department of Defense Supplement to the Federal Acquisition Regulation shall be revised to provide that—

(1) the interrogation of enemy prisoners of war, civilian internees, retained persons, other detainees, terrorists, and criminals when captured, transferred, confined, or detained during or in the aftermath of hostilities is an inherently governmental function and cannot be transferred to private sector contractors who are beyond the reach of controls otherwise applicable to government personnel; and

(2) properly trained and cleared contractors may be used as linguists, interpreters, report writers, and information technology technicians if their work is properly reviewed by appropriate government officials.

(b) PENALTIES.—The obligation or expenditure of Department of Defense funds for a contract that is not in compliance with the regulations issued pursuant to this section is a violation of section 1341(a)(1)(A) of title 31, United States Code.

SEC. 1037. NOTIFICATION OF COMMITTEES ON ARMED SERVICES WITH RESPECT TO CERTAIN NONPROLIFERATION AND PROLIFERATION ACTIVITIES.

(a) NOTIFICATION WITH RESPECT TO NONPROLIFERATION ACTIVITIES.—The Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, the Secretary of State, and the Nuclear Regulatory Commission shall keep the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives informed with respect to—

(1) any activities undertaken by any such Secretary or the Commission to carry out the purposes and policies of the Secretaries and the Commission with respect to nonproliferation programs; and

(2) any other activities undertaken by any such Secretary or the Commission to prevent the proliferation of nuclear, chemical, or biological weapons or the means of delivery of such weapons.

(b) NOTIFICATION WITH RESPECT TO PROLIFERATION ACTIVITIES IN FOREIGN NATIONS.—(1) IN GENERAL.—The Director of National Intelligence shall keep the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives fully and currently informed with respect to any activities of foreign nations that are significant with respect to the proliferation of nuclear, chemical, or biological weapons or the means of delivery of such weapons.

(2) FULLY AND CURRENTLY INFORMED DEFINED.—For purposes of paragraph (1), the term ''fully and currently informed'' means the transmittal of credible information with respect to an activity described in such paragraph not later than 60 days after becoming aware of the activity.

SEC. 1038. SENSE OF CONGRESS ON NUCLEAR WEAPONS MANAGEMENT.

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

(1) The unauthorized transfer of nuclear weapons from Minot Air Force Base, North Dakota, to Barksdale Air Force Base, Louisiana, in August 2007 was an extraordinary breach of the command and control and security of nuclear weapons.

(2) The reviews conducted following that unauthorized transfer found that the ability of the Department of Defense to provide oversight of nuclear weapons matters had degenerated and that senior level attention to nuclear weapons management is minimal at best.

(3) The lack of attention to nuclear weapons and related equipment by the Department of Defense was demonstrated again when it was discovered in March 2008 that classified equipment from Minuteman III intercontinental ballistic missiles was inadvertently shipped to Taiwan in 2006.

(4) The Department of Defense has insufficient capability and staffing in the Office of the Under Secretary of Defense for Policy to provide the necessary oversight of the nuclear weapons functions of the Department.

(5) The key senior position responsible for nuclear weapons matters in the Department of Defense, the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, a position filled by appointment by and with the advice and consent of the Senate, has been vacant for more than 18 months.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should maintain clear and unambiguous command and control of its nuclear weapons;

(2) the safety and security of nuclear weapons and related equipment should be a high priority as long as the United States maintains a stockpile of nuclear weapons;

(3) the President should take immediate steps to nominate a qualified individual for the position of Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs; and

(4) the Secretary of Defense should establish and fill a senior position, at the level of Assistant Secretary or Deputy Under Secretary, within the Office of the Under Secretary of Defense for Policy to be responsible solely for the strategic and nuclear weapons policy of the Department of Defense.

SEC. 1039. SENSE OF CONGRESS ON JOINT DEPARTMENT OF DEFENSE-FEDERAL AVIATION ADMINISTRATION EXECUTIVE COMMITTEE ON CONFLICT AND DISPUTE RESOLUTION.

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

(1) Unmanned aerial systems (UAS) of the Department of Defense, like the Predator and the Global Hawk, have become a critical component of military operations. Unmanned aerial systems are indispensable in the conflict against terrorism and the campaigns in Afghanistan and Iraq.

(2) Unmanned aerial systems of the Department of Defense must operate in the National Airspace System (NAS) for training, operational support to the combatant commands, and support to domestic authorities in emergencies and national disasters.

(3) The Department of Defense has been lax in developing certifications of airworthiness for unmanned aerial systems, qualifications for operators of unmanned aerial systems, databases on safety matters relating to unmanned aerial systems, and standards, technology, and procedures that are necessary for routine access of unmanned aerial systems to the National Airspace System.

(4) As recognized in a Memorandum of Agreement for Operation of Unmanned Aircraft Systems in the National Airspace System signed by the Deputy Secretary of Defense and the Administrator of the Federal Aviation Administration in September 2007, it is vital for the Department of Defense and the Federal Aviation Administration to collaborate closely to achieve progress in gaining access for unmanned aerial systems to the National Airspace System to support military requirements.

(5) The Department of Defense and the Federal Aviation Administration have jointly and separately taken significant actions to improve the access of unmanned aerial systems of the Department of Defense to the National Airspace System, but overall, the pace of progress in access of such systems to the National Airspace System has been insufficient and poses a threat to national security.

(6) Techniques and procedures can be rapidly acquired or developed to temporarily permit safe operations of unmanned aerial systems in the National Airspace System until permanent safe operations of such systems in the National Airspace System can be achieved.

(7) Identifying, developing, approving, implementing, and monitoring the adequacy of these techniques and procedures may require the establishment of a joint Department of Defense-Federal Aviation Administration executive committee reporting to the highest levels of the Department of Defense and the Federal Aviation Administration on matters relating to the access of unmanned aerial systems of the Department of Defense to the National Airspace System.

(8) Joint management attention at the highest levels of the Department of Defense and the Federal Aviation Administration may also be required on other important issues, such as type ratings for aerial refueling aircraft.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should seek an agreement with the Administrator of the Federal Aviation Administration to jointly establish within the Department of Defense and the Federal Aviation Administration a joint Department of Defense–Federal Aviation Administration executive committee on conflict and dispute resolution which would—

(1) act as a focal point for the resolution of disputes on matters of policy and procedures between the Department of Defense and the Federal Aviation Administration with respect to—

(A) airspace, aircraft certifications, and aircrew training; and

(B) other issues brought before the joint executive committee by the Department of Defense or the Department of Transportation;

(2) identify solutions to the range of technical, procedural, and policy concerns arising in the disputes described in paragraph (1); and

(3) identify solutions to the range of technical, procedural, and policy concerns arising in the integration of Department of Defense unmanned aerial systems into the National Airspace System in order to achieve the increasing, and ultimately routine, access of such systems into the National Airspace System.

SEC. 1040. SENSE OF CONGRESS ON SALE OF NEW OUTSIZE CARGO, STRATEGIC LIFT AIRCRAFT FOR CIVILIAN USE.

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

(1) The 2004 Quadrennial Defense Review (as submitted to Congress in 2005) and the 2005 Mobility Capability Study determined that the United States Transportation Command requires a force of 292 organic strategic lift aircraft, augmented by procurement of airlift service from commercial air carriers participating in the Civil Reserve Air Fleet, to meet the demands of the National Military Strategy. Congress has authorized and appropriated funds for 301 strategic airlift aircraft.

(2) The Commander of the United States Transportation Command has testified to Congress that it is essential to safeguard the capabilities and capacity of the Civil Reserve Air Fleet to meet wartime surge demands in connection with major combat operations, and that procurement by the Air Force of excess organic strategic lift aircraft would be harmful to the health of the Civil Reserve Air Fleet.

(3) The C–17 Globemaster aircraft is the workhorse of the Air Mobility Command in the Global War on Terror. Production of the C–17 Globemaster aircraft is scheduled to cease in 2009, upon completion of the aircraft remaining to be procured by the Air Force.

(4) The Federal Aviation Administration has informed the Committee on Armed Services of the Senate that no fewer than six commercial operators have expressed interest in procuring a commercial variant of the C–17 Globemaster aircraft. Commercial sale of the C–17 Globemaster aircraft would require that the Department of Defense or Congress determine that it is in the national interest for the Federal Aviation Administration to proceed with the issuance of a type certificate for surplus aircraft of the Armed Forces in accordance with section 21.27 of title 14, Code of Federal Regulations.

(5) C–17 Globemaster aircraft sold for commercial use could be made available to the Civil Reserve Air Fleet, thus strengthening the capabilities and capacity of the Civil Reserve Air Fleet.

(6) The sale of a commercial variant of the C–17 Globemaster to Civil Reserve Air Fleet partners would strengthen the United States industrial base.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should—

(1) review the benefits and feasibility of pursuing a commercial-military cargo initiative for the C–17 Globemaster aircraft and determine whether such an initiative is in the national interest; and

(2) if the Secretary determines that such an initiative is in the national interest, take appropriate actions to coordinate with the Federal Aviation Administration to achieve the type certification for such aircraft required by section 21.27 of title 14, Code of Federal Regulations.

Subtitle E—Reports

SEC. 1051. REPEAL OF REQUIREMENT TO SUBMIT CERTAIN ANNUAL REPORTS TO CONGRESS REGARDING ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.

(a) REPEAL OF CERTAIN REPORTS ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.—Section 1003 of the Department of Defense Authorization Act, 1985 (Public Law 95–525; 98 Stat. 2576) is amended by striking subsections (c) and (d).

(b) REPEAL OF REPORT ON COST-SHARING.—Section 1313 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2894) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsections (c).

SEC. 1052. REPORT ON DETENTION OPERATIONS IN IRAQ.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on detention operations at theater internment facilities in Iraq during the period beginning on January 1, 2007, and ending on the date of the report.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A detailed description of the policies and procedures governing detention operations at theater internment facilities in Iraq during the period covered by the report, and a description of any changes to such policies and procedures during that period intended to incorporate counterinsurgency doctrine within such detention operations.

(2) A detailed description of the policies and programs instituted to prepare detainees for reintegration following their release from detention in theater interment facilities in Iraq, including programs of family visits and outreach, religious counseling, literacy, basic education, and vocational skills.

(3) A detailed description of the procedures for reviewing the detention status of individuals under detention in theater detention facilities in Iraq during the period covered by the report, including the procedures of the Multinational Forces Review Committee, and an assessment of the effect, if any, on United States detention policy and procedures with respect to Iraq of the General

Amnesty Law approved by the Council of Representatives on February 13, 2008, and signed by the Presidency Council on February 26, 2008.

(4) Information for each month of the period covered by the report as follows:

(A) The detainee population at each theater internment facility in Iraq as of the end of such month.

(B) The number of detainees released from detention in theater internment facilities in Iraq during such month both in aggregate and in number released from each such theater internment facility.

(C) The number of detainees in theater internment facilities in Iraq turned over to the control of the Government of Iraq for criminal prosecution during such month.

(5) Information on the length of detainments in the theater internment facilities in Iraq as of each of January 1, 2007, and January 1, 2008, with a stratification of the number of individuals who had been so detained at each such date by six-month increments.

(6) A description and assessment of the effects of changes in detention operations and reintegration programs at theater internment facilities in Iraq during the period of the report, including changes in levels of violence within internment facilities and in rates of recapture of detainees released from detention in internment facilities.

(7) A statement of the costs of establishing and operating reintegration centers in Iraq and of the share of such costs to be paid by the Government of Iraq, and a description of plans for the transition of such centers to the control of the Government of Iraq.

(8) A description of—

(A) the lessons learned regarding detention operations in a counterinsurgency operation, an assessment of how such lessons could be applied to detention operations elsewhere (including in Afghanistan and at Guantanamo Bay, Cuba); and

(B) any efforts to integrate such lessons into Department of Defense directives, joint doctrine, mission rehearsal exercises for deploying forces, and training for units involved in detention and interrogation operations.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1053. STRATEGIC PLAN TO ENHANCE THE ROLE OF THE NATIONAL GUARD AND RESERVES IN THE NATIONAL DEFENSE.

(a) STRATEGIC PLAN REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall develop a strategic plan to enhance the role of the National Guard and Reserves in the national defense, including—

(A) the transition of the reserve components of the Armed Forces from a strategic force to an operational force;

(B) the achievement of a fully-integrated total force (including further development of the continuum of service); and

(C) the enhancement of the role of the reserve components of the Armed Forces in homeland defense.

(2) CONSULTATION.—The Secretary shall develop the strategic plan required by this subsection in consultation with the Chairman of the Joint Chiefs of Staff and the Chief of the National Guard Bureau.

(b) CONSIDERATION OF EXISTING FINDINGS, RECOMMENDATIONS, AND PRACTICES.—In developing the strategic plan required by subsection (a), the Secretary shall consider the following:

(1) The findings and recommendations of the final report of the Commission on the National Guard and Reserves.

(2) The findings and recommendations of the Center for Strategic and International Studies on the future of the National Guard and Reserves.

(3) The policies expressed in the provisions of the bill S. 2760 of the 110th Congress, to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

(4) Current policies and practices of the Department of Defense for the utilization of members and units of the reserve components of the Armed Forces.

(c) ELEMENTS.—The strategic plan required by subsection (a) shall include the following:

(1) A description of the legislative, organizational, and administrative actions required to make the reserve components of the Armed Forces a sustainable operational force.

(2) A description of the legislative, organizational, and administrative actions required to enhance the Department of Defense role in homeland defense and support of civil authorities, with particular emphasis on the role of the reserve components of the Armed Forces in such role.

(3) A description of the legislative, organizational, and administrative actions required to create a continuum of service in the reserve components of the Armed Forces, including a personnel management system for an integrated total force that will facilitate the seamless transition of members of National Guard and Reserves on and off active duty to meet mission requirements and permit different levels of participation by such members in the Armed Forces over the course of a military career.

(4) A description of the legislative and administrative actions required to develop a ready, capable, and available operational reserve for the Armed Forces.

(5) A description of the legislative and administrative actions required to reform organizations and institutions to support an operational reserve for the Armed Forces.

(6) A description of the legislative and administrative actions required to enhance support to members of the Armed Forces, including members of the reserve components of the Armed Forces, their families, and their employers.

(d) DEADLINE FOR SUBMITTAL.—The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the plan required by subsection (a) not later than July 1, 2009.

SEC. 1054. REVIEW OF NONNUCLEAR PROMPT GLOBAL STRIKE CONCEPT DEMONSTRATIONS.

(a) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of State, conduct a review of each nonnuclear prompt global strike concept demonstration with respect to which the President requests funding in the budget of the President for fiscal year 2010 (as submitted to Congress pursuant to section 1105 of title 31, United States Code).

(b) ELEMENTS.—The review required by subsection (a) shall include, for each concept demonstration described in that subsection, the following:

(1) The full cost of such concept demonstration.

(2) An assessment of any policy, legal, or treaty-related issues that could arise during the course of, or as a result of, such concept demonstration.

(3) The extent to which the concept demonstrated could be misconstrued as a nuclear weapon or delivery system.

(4) An assessment of the potential basing and deployment options for the concept demonstrated.

(5) A description of the types of targets against which the concept demonstrated might be used.

(c) REPORT.—Not later than 30 days after the date on which the President submits to Congress the budget for fiscal year 2010 (as so submitted), the Secretary of Defense shall submit to the congressional defense committees a report setting forth the results of the review required by subsection (a).

SEC. 1055. REVIEW OF BANDWIDTH CAPACITY REQUIREMENTS OF THE DEPARTMENT OF DEFENSE AND THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—The Secretary of Defense and the Director of National Intelligence shall conduct a joint review of the bandwidth capacity requirements of the Department of Defense and the intelligence community in the near term, mid term, and long term.

(b) ELEMENTS.—The review required by subsection (a) shall include an assessment of the following:

(1) The current bandwidth capacities of the Department of Defense and the intelligence community to transport data, including Government and commercial ground networks and satellite systems.

(2) The bandwidth capacities anticipated to be available to the Department of Defense and the intelligence community to transport data in the near term, mid term, and long term.

(3) The bandwidth and data requirements of current major operational systems of the Department of Defense and the intelligence community, including an assessment of—

(A) whether such requirements are being appropriately met by the bandwidth capacities described in paragraph (1); and

(B) the degree to which any such requirements are not being met by such bandwidth capacities.

(4) The anticipated bandwidth and data requirements of major operational systems of the Department of Defense and the intelligence community planned for each of the near term, mid term, and long term, including an assessment of—

(A) whether such anticipated requirements will be appropriately met by the bandwidth capacities described in paragraph (2); and

(B) the degree to which any such requirements are not anticipated to be met by such bandwidth capacities.

(5) Any mitigation concepts that could be used to satisfy any unmet bandwidth and data requirements.

(6) The costs of meeting the bandwidth and data requirements described in paragraphs (3) and (4).

(7) Any actions necessary to integrate or consolidate the information networks of the Department of Defense and the intelligence community.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report setting forth the results of the review required by subsection (a).

(d) FORMAL REVIEW PROCESS FOR BANDWIDTH REQUIREMENTS.—The Secretary of Defense and the Director of National Intelligence shall, as part of the Milestone B or Key Decision Point B approval process for any major defense acquisition program or major system acquisition program, establish a formal review process to ensure that—

(1) the bandwidth requirements needed to support such program are or will be met; and

(2) a determination will be made with respect to how to meet the bandwidth requirements for such program.

(e) DEFINITIONS.—In this section:

(1) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' means the elements of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) LONG TERM.—The term ''long term'' means the five-year period beginning on the date that is 10 years after the date of the enactment of this Act.

(3) MID TERM.—The term ''mid term'' means the five-year period beginning on the date that is five years after the date of the enactment of this Act.

(4) NEAR TERM.—The term ''near term'' means the five-year period beginning on the date of the enactment of this Act.

Subtitle F—Wounded Warrior Matters

SEC. 1061. MODIFICATION OF UTILIZATION OF VETERANS' PRESUMPTION OF SOUND CONDITION IN ESTABLISHING ELIGIBILITY OF MEMBERS OF THE ARMED FORCES FOR RETIREMENT FOR DISABILITY.

(a) RETIREMENT OF REGULARS AND MEMBERS ON ACTIVE DUTY FOR MORE THAN 30 DAYS.—Section 1201(b)(3)(B)(i) of title 10, United States Code, is amended—

(1) by striking ''the member has six months or more of active military service and''; and

(2) by striking ''(unless compelling evidence'' and all that follows through ''active duty)'' and inserting ''(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)''.

(b) SEPARATION OF REGULARS AND MEMBERS ON ACTIVE DUTY FOR MORE THAN 30 DAYS.—Section 1203(b)(4)(B) of such title is amended—

(1) by striking ''the member has six months or more of active military service, and''; and

(2) by striking ''(unless compelling evidence'' and all that follows through ''active duty)'' and inserting ''(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)''.

SEC. 1062. INCLUSION OF SERVICE MEMBERS IN INPATIENT STATUS IN WOUNDED WARRIOR POLICIES AND PROTECTIONS.

Section 1602(7) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 432; 10 U.S.C. 1071 note) is amended by inserting ''inpatient or'' before ''outpatient status''.

SEC. 1063. CLARIFICATION OF CERTAIN INFORMATION SHARING BETWEEN THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS FOR WOUNDED WARRIOR PURPOSES.

(a) IN GENERAL.—Section 1614(b)(11) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 444; 10 U.S.C. 1071 note) is amended by inserting before the period at the end the following: ''or that such transfer is otherwise authorized by the regulations implementing such Act''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 28, 2008, as if included in the provisions of the Wounded Warrior Act, to which such amendment relates.

SEC. 1064. ADDITIONAL RESPONSIBILITIES FOR THE WOUNDED WARRIOR RESOURCE CENTER.

Section 1616(a) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 447; 10 U.S.C. 1071 note) is amended in the first sentence by inserting ''receiving legal assistance referral information (where appropriate), receiving other appropriate referral information,'' after ''receiving benefits information,''.

SEC. 1065. RESPONSIBILITY FOR THE CENTER OF EXCELLENCE IN THE PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT AND REHABILITATION OF TRAUMATIC BRAIN INJURY TO CONDUCT PILOT PROGRAMS ON TREATMENT APPROACHES FOR TRAUMATIC BRAIN INJURY.

Section 1621(c) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 453; 10 U.S.C. 1071 note) is amended—

(1) by redesignating paragraphs (2) through (13) as paragraphs (3) through (14), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) To conduct pilot programs to promote or assess the efficacy of approaches to the treatment of all forms of traumatic brain injury, including mild traumatic brain injury.''.

SEC. 1066. CENTER OF EXCELLENCE IN THE MITIGATION, TREATMENT, AND REHABILITATION OF TRAUMATIC EXTREMITY INJURIES AND AMPUTATIONS.

(a) IN GENERAL.—The Secretary of Veterans Affairs and the Secretary of Defense shall jointly establish a center of excellence in the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations.

(b) PARTNERSHIPS.—The Secretary of Veterans Affairs and the Secretary of Defense shall jointly ensure that the center collaborates with the Department of Veterans Affairs, the Department of Defense, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

(c) RESPONSIBILITIES.—The center shall have the responsibilities as follows:

(1) To implement a comprehensive plan and strategy for the Department of Veterans Affairs and the Department of Defense for the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations.

(2) To carry out such other activities to improve and enhance the efforts of the Department of Veterans Affairs and the Department of Defense for the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations as the Secretary of Veterans Affairs and the Secretary of Defense consider appropriate.

(d) REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly submit to Congress a report on the activities of the center.

(2) ELEMENTS.—Each report under this subsection shall include the following:

(A) In the case of the first report under this subsection, a description of the implementation of the requirements of this Act.

(B) A description and assessment of the activities of the center during the one-year period ending on the date of such report, including an assessment of the role of such activities in improving and enhancing the efforts of the Department of Veterans Affairs and the Department of Defense for the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations.

SEC. 1067. THREE-YEAR EXTENSION OF SENIOR OVERSIGHT COMMITTEE WITH RESPECT TO WOUNDED WARRIOR MATTERS.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly take such actions as are appropriate, including the allocation of appropriate personnel, funding, and other resources, to continue the operations of the Senior Oversight Committee until September 30, 2011.

(b) REPORT ON FURTHER EXTENSION OF COMMITTEE.—Not later than December 31, 2010, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth the joint recommendation of the Secretaries as to the advisability of continuing the operations of the Senior Oversight Committee after September 30, 2011. If the Secretaries recommend that continuing the operations of the Senior Oversight Committee after September 30, 2011, is advisable, the report may include such recommendations for the modification of the responsibilities, composition, or support of the Senior Oversight Committee as the Secretaries jointly consider appropriate.

(c) SENIOR OVERSIGHT COMMITTEE DEFINED.—In this section, the term ''Senior Oversight Committee'' means the Senior Oversight Committee jointly established by the Secretary of Defense and the Secretary of Veterans Affairs in May 2007. The Senior Oversight Committee was established to address concerns related to the treatment of wounded, ill, and injured members of the Armed Forces and veterans and serve as the single point of contact for oversight, strategy, and integration of proposed strategies for the efforts of the Department of Defense and the Department of Veterans Affairs to improve support throughout the recovery, rehabilitation, and reintegration of wounded, ill, or injured members of the Armed Forces.

Subtitle G—Other Matters

SEC. 1081. MILITARY SALUTE FOR THE FLAG DURING THE NATIONAL ANTHEM BY MEMBERS OF THE ARMED FORCES NOT IN UNIFORM AND BY VETERANS.

Section 301(b)(1) of title 36, United States Code, is amended by striking subparagraphs (A) through (C) and inserting the following new subparagraphs:

''(A) individuals in uniform should give the military salute at the first note of the anthem and maintain that position until the last note;

''(B) members of the Armed Forces and veterans who are present but not in uniform may render the military salute in the manner provided for individuals in uniform; and

''(C) all other persons present should face the flag and stand at attention with their right hand over the heart, and men not in uniform, if applicable, should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart; and''.

SEC. 1082. MODIFICATION OF DEADLINES FOR STANDARDS REQUIRED FOR ENTRY TO MILITARY INSTALLATIONS IN THE UNITED STATES.

Section 1069(c) of the National Defense Authorization Act of Fiscal Year 2008 (Public Law 110–181; 122 Stat. 327) is amended—

(1) in paragraph (1)—

(A) by striking ''July 1, 2008'' and inserting ''February 1, 2009''; and

(B) by striking ''January 1, 2009'' and inserting ''October 1, 2012''; and

(2) in paragraph (2), by striking ''implemented'' and inserting ''developed''.

SEC. 1083. SUSPENSION OF STATUTES OF LIMITATIONS WHEN CONGRESS AUTHORIZES THE USE OF MILITARY FORCE.

Section 3287 of title 18, United States Code, is amended—

(1) by inserting ''or Congress has enacted a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)),'' after ''is at war'';

(2) by inserting ''or directly connected with or related to the authorized use of the

Armed Forces'' after ''prosecution of the war'';

(3) by striking ''three years'' and inserting ''5 years'';

(4) by striking ''proclaimed by the President'' and inserting ''proclaimed by a Presidential proclamation, with notice to Congress,''; and

(5) by adding at the end the following: ''For purposes of applying such definitions in this section, the term 'war' includes a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).''.

TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. DEPARTMENT OF DEFENSE STRATEGIC HUMAN CAPITAL PLANS.

(a) CODIFICATION OF ANNUAL REQUIREMENT FOR PLAN.—

(1) IN GENERAL.—Chapter 2 of title 10, United States Code, is amended by adding after section 115a the following new section:

''§ 115b. Department of Defense strategic human capital plans

''(a) ANNUAL PLAN REQUIRED.—The Secretary of Defense shall submit to Congress on an annual basis a strategic human capital plan to shape and improve the civilian employee workforce of the Department of Defense. The plan shall be submitted not later than March 1 each year.

''(b) CONTENTS.—Each strategic human capital plan under subsection (a) shall include the following:

''(1) An assessment of—

''(A) the critical skills and competencies that will be needed in the future civilian employee workforce of the Department of Defense to support national security requirements and effectively manage the Department over the next decade;

''(B) the skills and competencies of the existing civilian employee workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

''(C) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the critical skills and competencies described in subparagraph (A).

''(2) A plan of action for developing and reshaping the civilian employee workforce of the Department to address the gaps in critical skills and competencies identified under paragraph (1)(C), including—

''(A) specific recruiting and retention goals, including the program objectives of the Department to be achieved through such goals and the funding needed to achieve such goals; and

''(B) specific strategies for developing, training, deploying, compensating, and motivating the civilian employee workforce of the Department, including the program objectives of the Department to be achieved through such strategies and the funding needed to implement such strategies.

''(3) An assessment, using results-oriented performance measures, of the progress of the Department in implementing the strategic human capital plan under this section during the previous year.

''(c) SENIOR MANAGEMENT, FUNCTIONAL, AND TECHNICAL WORKFORCE.—(1) Each strategic human capital plan under subsection (a) shall specifically address the shaping and improvement of the senior management, functional, and technical workforce (including scientists and engineers) of the Department of Defense.

''(2) For purposes of paragraph (1), each plan shall include, at a minimum, the following:

''(A) An assessment of—

''(i) the needs of the Department for senior management, functional, and technical personnel (including scientists and engineers) in light of recent trends and projected changes in the mission and organization of the Department and in light of staff support needed to accomplish that mission;

''(ii) the capability of the existing civilian employee workforce of the Department to meet requirements relating to the mission of the Department, including the impact on that capability of projected trends in the senior management, functional, and technical personnel workforce of the Department based on expected losses due to retirement and other attrition; and

''(iii) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the senior management, functional, and technical personnel (including scientists and engineers) it needs.

''(B) A plan of action for developing and reshaping the senior management, functional, and technical workforce of the Department to address the gaps identified under subparagraph (A)(iii), including—

''(i) any legislative or administrative action that may be needed to adjust the requirements applicable to any category of civilian personnel identified in paragraph (3) or to establish a new category of senior management or technical personnel;

''(ii) any changes in the number of personnel authorized in any category of personnel identified in subsection (b) that may be needed to address such gaps and effectively meet the needs of the Department;

''(iii) any changes in the rates or methods of pay for any category of personnel identified in paragraph (3) that may be needed to address inequities and ensure that the Department has full access to appropriately qualified personnel to address such gaps and meet the needs of the Department;

''(iv) specific recruiting and retention goals, including the program objectives of the Department to be achieved through such goals;

''(v) specific strategies for developing, training, deploying, compensating, motivating, and designing career paths and career opportunities for the senior management, functional, and technical workforce of the Department, including the program objectives of the Department to be achieved through such strategies; and

''(vi) specific steps that the Department has taken or plans to take to ensure that the senior management, functional, and technical workforce of the Department is managed in compliance with the requirements of section 129 of this title.

''(3) For purposes of this subsection, the senior management, functional, and technical workforce of the Department of Defense includes the following categories of Department of Defense civilian personnel:

''(A) Appointees in the Senior Executive Service under section 3131 of title 5.

''(B) Persons serving in positions described in section 5376(a) of title 5.

''(C) Highly qualified experts appointed pursuant to section 9903 of title 5.

''(D) Scientists and engineers appointed pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398 (114 Stat. 1654A–315)).

''(E) Scientists and engineers appointed pursuant to section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note).

''(F) Persons serving in the Defense Intelligence Senior Executive Service under section 1606 of this title.

''(G) Persons serving in Intelligence Senior Level positions under section 1607 of this title.

''(d) DEFENSE ACQUISITION WORKFORCE.—(1) Each strategic human capital plan under subsection (a) shall specifically address the shaping and improvement of the defense acquisition workforce, including both military and civilian personnel.

''(2) For purposes of paragraph (1), each plan shall include, at a minimum, the following:

''(A) An assessment of—

''(i) the skills and competencies needed in the military and civilian workforce of the Department of Defense to effectively manage the acquisition programs and activities of the Department over the next decade;

''(ii) the skills and competencies of the existing military and civilian acquisition workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

''(iii) gaps in the existing or projected military and civilian acquisition workforce that should be addressed to ensure that the Department has access to the skills and competencies identified pursuant to clauses (i) and (ii).

''(B) A plan of action that establishes specific objectives for developing and reshaping the military and civilian acquisition workforce of the Department to address the gaps in skills and competencies identified under subparagraph (A), including—

''(i) specific recruiting and retention goals; and

''(ii) specific strategies and incentives for developing, training, deploying, compensating, and motivating the military and civilian acquisition workforce of the Department to achieve such goals.

''(C) A plan for funding needed improvements in the military and civilian acquisition workforce of the Department, including—

''(i) an identification of the funding programmed for defense acquisition workforce improvements, including a specific identification of funding provided in the Department of Defense Acquisition Workforce Fund established under section 1705 of this title;

''(ii) an identification of the funding programmed for defense acquisition workforce training in the future-years defense program, including a specific identification of funding provided by the acquisition workforce training fund established under section 37(h)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(h)(3));

''(iii) a description of how the funding identified pursuant to clauses (i) and (ii) will be implemented during the fiscal year concerned to address the areas of need identified in accordance with subparagraph (A);

''(iv) a statement of whether the funding identified under clauses (i) and (ii) is being fully used; and

''(v) a description of any continuing shortfall in funding available for the defense acquisition workforce.

''(e) SUBMITTALS BY SECRETARIES OF THE MILITARY DEPARTMENTS AND HEADS OF THE DEFENSE AGENCIES.—The Secretary of Defense shall require the Secretary of each military department and the head of each Defense Agency to submit a report to the Secretary addressing each of the matters described in this section. The Secretary of Defense shall establish a deadline for the submittal of reports under this subsection that enables the Secretary to consider the material submitted in a timely manner and incorporate such material, as appropriate, into

the strategic human capital plans required by this section.

''(f) GAPS IN THE WORKFORCE.—(1) The Secretary of Defense may not conduct a public-private competition under chapter 126 of this title, Office of Management and Budget Circular A–76, or any other provision of law or regulation before expanding the civilian workforce of the Department of Defense to address a gap in the workforce identified under this section.

''(2) For purposes of this section, gaps in the workforce include—

''(A) shortcomings in the skills and competencies of employees; and

''(B) shortcomings in the number of employees possessing such skills and competencies.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of such title is amended by inserting after the item relating to section 115a the following new item:

''115b. Department of Defense strategic human capital plans.''.

(b) COMPTROLLER GENERAL REVIEW.—Not later than 90 days after date on which the Secretary of Defense submits to Congress an annual strategic human capital plan under section 115b of title 10, United States Code (as added by subsection (a)), in each of 2009, 2010, 2011 and 2012, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the plan so submitted.

(c) CONFORMING REPEALS.—The following provisions are repealed:

(1) Section 1122 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3452; 10 U.S.C. note prec. 1580).

(2) Section 1102 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 119–364; 120 Stat. 2407).

(3) Section 851 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 247; 10 U.S.C. note prec. 1580).

SEC. 1102. CONDITIONAL INCREASE IN AUTHORIZED NUMBER OF DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE PERSONNEL.

(a) IN GENERAL.—Section 1606(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''The Secretary of Defense''; and

(2) by striking the second sentence and inserting the following:

''(2)(A) The number of positions in the Defense Intelligence Senior Executive Service in any fiscal year after fiscal year after fiscal year 2008 may not exceed the lesser of the following:

''(i) The number of such positions authorized on September 30, 2007, as adjusted by the percentage specified in subparagraph (B) for such fiscal year.

''(ii) 694.

''(B) The percentage specified in this subparagraph for a fiscal year is the percentage by which the authorized number of Department of Defense positions in the Senior Executive Service has been increased as of the end of the preceding fiscal year over the number of such positions authorized on September 30, 2007.

''(3) Priority shall be given in the allocation of any increase in the number of authorized positions in the Defense Intelligence Senior Executive Service after fiscal year 2008 to components of the intelligence community within the Department of Defense in which the ratio of senior executives to employees other than senior executives is the lowest.''.

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

SEC. 1103. ENHANCEMENT OF AUTHORITIES RELATING TO ADDITIONAL POSITIONS UNDER THE NATIONAL SECURITY PERSONNEL SYSTEM.

Section 9902(i) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting ''(except that the limitations of chapter 33 may be waived to the extent necessary to achieve the purposes of this subsection)'' after ''the limitations in subsection (b)(3)''; and

(2) in paragraph (2), by inserting before the period at the end the following: ''in a manner comparable to the manner in which such provisions are applied under chapter 33''.

SEC. 1104. EXPEDITED HIRING AUTHORITY FOR HEALTH CARE PROFESSIONALS OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the Secretary of Defense may—

(1) designate any category of health care position within the Department of Defense as a shortage category position if the Secretary determines that there exists a severe shortage of candidates for such position or there is a critical hiring need for such position; and

(2) utilize the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

(b) TERMINATION OF AUTHORITY.—The Secretary may not appoint a person to a position of employment under this section after September 30, 2012.

SEC. 1105. ELECTION OF INSURANCE COVERAGE BY FEDERAL CIVILIAN EMPLOYEES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) AUTOMATIC COVERAGE.—Section 8702(c) of title 5, United States Code, is amended—

(1) by inserting ''an employee who is deployed in support of a contingency operation (as that term is defined in section 101(a)(13) of title 10) or'' after ''subsection (b)''; and

(2) by inserting ''notification of deployment or'' after ''the date of the''.

(b) OPTIONAL INSURANCE.—Section 8714a(b) of such title is amended—

(1) by designating the text as paragraph (2); and

(2) by inserting before paragraph (2), as so designated the following new paragraph (1):

''(1) An employee who is deployed in support of a contingency operation (as that term is defined in section 101(a)(13) of title 10) or an employee of the Department of Defense who is designated as emergency essential under section 1580 of title 10 shall be insured under the policy of insurance under this section if the employee, within 60 days after the date of notification of deployment or designation, elects to be insured under the policy of insurance. An election under this paragraph shall be effective when provided to the Office in writing, in the form prescribed by the Office, within such 60-day period.''.

(c) ADDITIONAL OPTIONAL LIFE INSURANCE.—Section 8714b(b) of such title is amended—

(1) by designating the text as paragraph (2); and

(2) by inserting before paragraph (2), as so designated the following new paragraph (1):

''(2) An employee who is deployed in support of a contingency operation (as that term is defined in section 101(a)(13) of title 10) or an employee of the Department of Defense who is designated as emergency essential under section 1580 of title 10 shall be insured under the policy of insurance under this section if the employee, within 60 days after the date of notification of deployment or designation, elects to be insured under the policy of insurance. An election under this paragraph shall be effective when provided to the Office in writing, in the form prescribed by the Office, within such 60-day period.''.

SEC. 1106. PERMANENT EXTENSION OF DEPARTMENT OF DEFENSE VOLUNTARY REDUCTION IN FORCE AUTHORITY.

Section 3502(f) of title 5, United States Code, is amended by striking paragraph (5).

SEC. 1107. FOUR-YEAR EXTENSION OF AUTHORITY TO MAKE LUMP SUM SEVERANCE PAYMENTS WITH RESPECT TO DEPARTMENT OF DEFENSE EMPLOYEES.

Section 5595(i)(4) of title 5, United States Code, is amended by striking ''October 1, 2010'' and inserting ''October 1, 2014''.

SEC. 1108. AUTHORITY TO WAIVE LIMITATIONS ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS UNDER AREAS OF UNITED STATES CENTRAL COMMAND.

(a) WAIVER AUTHORITY.—

(1) IN GENERAL.—Notwithstanding sections 5307 and 5547 of title 5, United States Code, the head of an Executive agency (as that term is defined in section 105 of title 5, United States Code) may, during calendar year 2009, waive limitations on the aggregate on basic pay and premium pay payable in such calendar year, and on allowances, differentials, bonuses, awards, and similar cash payments payable in such calendar year, to an employee who performs work while in an overseas location that is in the area of responsibility of the Commander of the United States Central Command in direct support of, or directly related to—

(A) a military operation, including a contingency operation; or

(B) an operation in response to a declared emergency.

(2) LIMITATION.—The total annual compensation payable to an employee pursuant to a waiver under this subsection may not exceed the total annual compensation payable to the Vice President under section 104 of title 3, United States Code.

(b) ROLLOVER OF EARNED PAY TO SUBSEQUENT YEAR.—Any amount that would otherwise be paid an employee in calendar year 2009 under a waiver under subsection (a)(1) except for the limitation in subsection (a)(2) shall be paid to the employee in a lump sum at the beginning of calendar year 2010. Any amount paid an employee under this subsection in calendar year 2010 shall be taken into account as if the limitation in subsection (a)(2) was applicable to the employee in calendar year 2010.

(c) ADDITIONAL PAY NOT CONSIDERED BASIC PAY.—To the extent that a waiver under subsection (a) results in payment of additional premium pay of a type that is normally creditable as basic pay for retirement or any other purpose, such additional pay shall not be considered to be basic pay for any purpose, nor shall such additional pay be used in computing a lump-sum payment for accumulated and accrued annual leave under section 5551 of title 5, United States Code.

(d) REGULATIONS.—The Director of the Office of Personnel Management may prescribe regulations to ensure appropriate consistency among heads of Executive agencies in the exercise of the authority granted by this section.

SEC. 1109. TECHNICAL AMENDMENT RELATING TO DEFINITION OF PROFESSIONAL ACCOUNTING POSITION FOR PURPOSES OF CERTIFICATION AND CREDENTIALING STANDARDS.

Section 1599d(e) of title 10, United States Code, is amended by striking ''GS–510, GS–511, and GS–505'' and inserting ''0505, 0510, 0511, or equivalent''.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. INCREASE IN AMOUNT AVAILABLE FOR COSTS OF EDUCATION AND TRAINING OF FOREIGN MILITARY FORCES UNDER REGIONAL DEFENSE COMBATING TERRORISM FELLOWSHIP PROGRAM.

(a) INCREASE IN AMOUNT.—Section 2249c(b) of title 10, United States Code, is amended by striking ''$25,000,000'' and inserting ''$35,000,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 1202. AUTHORITY FOR DISTRIBUTION TO CERTAIN FOREIGN PERSONNEL OF EDUCATION AND TRAINING MATERIALS AND INFORMATION TECHNOLOGY TO ENHANCE MILITARY INTEROPERABILITY WITH THE ARMED FORCES.

(a) AUTHORITY FOR DISTRIBUTION.—

(1) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2249d. Distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the armed forces

''(a) DISTRIBUTION AUTHORIZED.—To enhance interoperability between the armed forces and military forces of friendly foreign nations, the Secretary of Defense, with the concurrence of the Secretary of State, may—

''(1) provide to personnel referred to in subsection (b) electronically-distributed learning content for the education and training of such personnel for the development or enhancement of allied and friendly military and civilian capabilities for multinational operations, including joint exercises and coalition operations; and

''(2) provide information technology, including computer software developed for such purpose, but only to the extent necessary to support the use of such learning content for the education and training of such personnel.

''(b) AUTHORIZED RECIPIENTS.—The personnel to whom learning content and information technology may be provided under subsection (a) are military and civilian personnel of a friendly foreign government, with the permission of that government.

''(c) EDUCATION AND TRAINING.—Any education and training provided under subsection (a) shall include the following:

''(1) Internet-based education and training.

''(2) Advanced distributed learning and similar Internet learning tools, as well as distributed training and computer-assisted exercises.

''(d) APPLICABILITY OF EXPORT CONTROL REGIMES.—The provision of learning content and information technology under this section shall be subject to the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.) and any other export control regime under law relating to the transfer of military technology to foreign nations.

''(e) GUIDANCE ON UTILIZATION OF AUTHORITY.—

''(1) GUIDANCE REQUIRED.—The Secretary of Defense shall develop and issue guidance on the procedures for the use of the authority in this section.

''(2) MODIFICATION.—If the Secretary modifies the guidance issued under paragraph (1), the Secretary shall submit to the appropriate committees of Congress a report setting forth the modified guidance not later than 30 days after the date of such modification.

''(f) ANNUAL REPORT.—

''(1) REPORT REQUIRED.—Not later than October 31 following each fiscal year in which the authority in this section is used, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the exercise of the authority during such fiscal year.

''(2) ELEMENTS.—Each report under paragraph (1) shall include, for the fiscal year covered by such report, the following:

''(A) A statement of the recipients of learning content and information technology provided under this section.

''(B) A description of the type, quantity, and value of the learning content and information technology provided under this section.

''(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Armed Services of the Senate; and

''(2) the Committee on Armed Services of the House of Representatives.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 134 of such title is amended by adding at the end the following new item:

''2249d. Distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the armed forces.''.

(b) GUIDANCE ON UTILIZATION OF AUTHORITY.—

(1) SUBMITTAL TO CONGRESS.—Not later than 30 days after issuing the guidance required by section 2249d(e) of title 10, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth such guidance.

(2) UTILIZATION OF SIMILAR GUIDANCE.—In developing the guidance required by section 2249d(e) of title 10, United States Code, as so added, the Secretary may utilize applicable portions of the current guidance developed by the Secretary under subsection (f) of section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2419) for purposes of the exercise of the authority in such section 1207.

(c) REPEAL OF SUPERSEDED AUTHORITY.—

(1) IN GENERAL.—Section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 is repealed.

(2) SUBMITTAL OF FINAL REPORT ON EXERCISE OF AUTHORITY.—If the Secretary of Defense exercised the authority in section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 during fiscal year 2008, the Secretary shall submit the report required by subsection (g) of such section for such fiscal year in accordance with the provisions of such subsection (g) without regard to the repeal of such section under paragraph (1).

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2008.

SEC. 1203. EXTENSION AND EXPANSION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) IN GENERAL.—Subsection (a) of section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086) is amended—

(1) by inserting '', with the concurrence of the relevant Chief of Mission,'' after ''may''; and

(2) by striking ''$25,000,000'' and inserting ''$35,000,000''.

(b) TIMING OF NOTICE ON PROVISION OF SUPPORT.—Subsection (c) of such section is amended by striking ''in not less than 48 hours'' and inserting ''within 48 hours''.

(c) EXTENSION.—Subsection (h) of such section, as amended by section 1202(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 364), is further amended by striking ''2010'' and inserting ''2011''.

(d) TECHNICAL AMENDMENT.—The heading of such section is amended by striking ''military operations'' and inserting ''special operations''.

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

SEC. 1204. MODIFICATION AND EXTENSION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) BUILDING OF CAPACITY OF ADDITIONAL FOREIGN FORCES.—Subsection (a) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as amended by section 1206 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2418), is further amended by striking ''a program'' and all that follows and inserting ''a program or programs as follows:

''(1) To build the capacity of a foreign country's national military forces in order for that country to—

''(A) conduct counterterrorism operations; or

''(B) participate in or support military and stability operations in which the United States Armed Forces are participating.

''(2) To build the capacity of a foreign country's coast guard, border protection, and other security forces engaged primarily in counterterrorism missions in order for that country to conduct counterterrorism operations.''.

(b) DISCHARGE THROUGH GRANTS.—Subsection (b)(1) of such section, as so amended, is further amended by inserting ''may be carried out by grant and'' before ''may include the provision''.

(c) FUNDING.—Subsection (c) of such section, as so amended, is further amended—

(1) in paragraph (1), by striking ''$300,000,000'' and inserting ''$400,000,000''; and

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

''(4) AVAILABILITY OF FUNDS FOR ACTIVITIES ACROSS FISCAL YEARS.—Amounts available under this subsection for the authority in subsection (a) for a fiscal year may be used for programs under that authority that begin in such fiscal year but end in the next fiscal year.''.

(d) THREE-YEAR EXTENSION OF AUTHORITY.—Subsection (g) of such section, as so amended, is further amended—

(1) by striking ''September 30, 2008'' and inserting ''September 30, 2011''; and

(2) by striking ''fiscal year 2006, 2007, or 2008'' and inserting ''fiscal years 2006 through 2011''.

SEC. 1205. EXTENSION OF AUTHORITY AND INCREASED FUNDING FOR SECURITY AND STABILIZATION ASSISTANCE.

(a) INCREASE IN MAXIMUM AMOUNT OF ASSISTANCE.—Subsection (b) of section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3458) is amended by striking ''$100,000,000'' and inserting ''$200,000,000''.

(b) THREE-YEAR EXTENSION OF AUTHORITY.—Subsection (g) of such section, as amended by section 1210(b) of the National Defense Authorization Act for Fiscal Year

2008 (Public Law 110–181; 122 Stat. 369), is further amended by striking ''September 30, 2008'' and inserting ''September 30, 2011''.

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

SEC. 1206. FOUR-YEAR EXTENSION OF TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND MILITARY EQUIPMENT FOR PERSONNEL PROTECTION AND SURVIVABILITY.

Section 1202(e) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2412), as amended by section 1252(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 402), is further amended by striking ''September 30, 2009'' and inserting ''September 30, 2013''.

SEC. 1207. AUTHORITY FOR USE OF FUNDS FOR NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.

(a) AUTHORITY FOR USE OF FUNDS.—

(1) IN GENERAL.—The Commander of a combatant command may, with the concurrence of the relevant Chief of Mission, expend amounts authorized to be appropriated for a fiscal year by section 301(2) for Operation and Maintenance, Navy to establish, develop, and maintain non-conventional assisted recovery capabilities in a foreign country if the Commander determines that expenditure of such funds for that purpose is necessary in connection with support of non-conventional assisted recovery efforts in that foreign country.

(2) LIMITATION ON AMOUNT.—The total amount of funds that may be expended under the authority in subsection (a) in each of fiscal years 2009 and 2010 may not exceed $20,000,000.

(b) SCOPE OF EFFORTS SUPPORTABLE.—

(1) IN GENERAL.—In expending funds under the authority in subsection (a), the Commander of a combatant command may provide support to surrogate or irregular groups or individuals in order to facilitate the recovery of military or civilian personnel of the Department of Defense (including the Coast Guard), and other individuals who, while conducting activities in support of United States military operations, become separated or isolated from friendly forces.

(2) SUPPORT.—The support provided under paragraph (1) may include, but is not limited to, the provision of equipment, supplies, training, transportation, and other logistical support or funding to support operations and activities for the recovery of personnel and individuals as described in that paragraph.

(c) PROCEDURES.—

(1) PROCEDURES REQUIRED.—The Secretary of Defense shall establish procedures for the exercise of the authority in subsection (a).

(2) NOTICE.—The Secretary shall notify the congressional defense committees of the procedures established under paragraph (1) before any exercise of the authority in subsection (a).

(d) NOTICE TO CONGRESS ON USE OF AUTHORITY.—Upon using the authority in subsection (a) to make funds available for support of non-conventional assisted recovery activities, the Secretary of Defense shall notify the congressional defense committees expeditiously, and in any event within 48 hours, of the use of such authority with respect to support of such activities. Such notice need be provided only once with respect to support of particular activities. Any such notice shall be in writing.

(e) INTELLIGENCE ACTIVITIES.—This section does not constitute authority to conduct a covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b(e)).

(f) ANNUAL REPORT.—Not later than 30 days after the close of each fiscal year during which subsection (a) is in effect, the Secretary of Defense shall submit to the congressional defense committees a report on the support provided under that subsection during such fiscal year. Each such report shall describe the support provided, including a statement of the recipient of the support and the amount obligated to provide the support.

(g) EXPIRATION.—The authority in subsection (a) shall expire on September 30, 2010.

Subtitle B—Department of Defense Participation in Bilateral, Multilateral, and Regional Cooperation Programs

SEC. 1211. AVAILABILITY ACROSS FISCAL YEARS OF FUNDS FOR MILITARY-TO-MILITARY CONTACTS AND COMPARABLE ACTIVITIES.

(a) IN GENERAL.—Section 168(e) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5) Funds available to carry out this section shall be available, to the extent provided in appropriations Acts, for programs or activities under this section that begin in a fiscal year and end in the following fiscal year.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to programs and activities under section 168 of title 10, United States Code (as so amended), that begin on or after that date.

SEC. 1212. ENHANCEMENT OF AUTHORITIES RELATING TO DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.

(a) AVAILABILITY OF FUNDS FOR ACTIVITIES ACROSS FISCAL YEARS.—

(1) IN GENERAL.—Section 184(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) Funds available to carry out this section, including funds accepted under paragraph (4) and funds available under paragraph (5), shall be available, to the extent provided in appropriations Acts, for programs and activities under this section that begin in a fiscal year and end in the following fiscal year.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2008, and shall apply with respect to programs and activities under section 184 of title 10, United States Code (as so amended), that begin on or after that date.

(b) TEMPORARY WAIVER OF REIMBURSEMENT OF COSTS OF ACTIVITIES FOR NONGOVERNMENTAL PERSONNEL.—

(1) AUTHORITY FOR TEMPORARY WAIVER.—In fiscal years 2009 and 2010, the Secretary of Defense may, with the concurrence of the Secretary of State, waive reimbursement otherwise required under subsection (f) of section 184 of title 10, United States Code, of the costs of activities of Regional Centers under such section for personnel of nongovernmental and international organizations who participate in activities of the Regional Centers that enhance cooperation of nongovernmental organizations and international organizations with United States forces if the Secretary of Defense determines that attendance of such personnel without reimbursement is in the national security interests of the United States.

(2) LIMITATION.—The amount of reimbursement that may be waived under paragraph (1) in any fiscal year may not exceed $1,000,000.

(3) ANNUAL REPORT.—The Secretary of Defense shall include in the annual report under section 184(h) of title 10, United States Code, in 2010 and 2011 information on the attendance of personnel of nongovernmental and international organizations in activities of the Regional Centers during the preceding fiscal year for which a waiver of reimbursement was made under paragraph (1), including information on the costs incurred by the United States for the participation of personnel of each nongovernmental or international organization that so attended.

SEC. 1213. PAYMENT OF PERSONNEL EXPENSES FOR MULTILATERAL COOPERATION PROGRAMS.

(a) EXPANSION OF AUTHORITY FOR BILATERAL AND REGIONAL PROGRAMS TO COVER MULTILATERAL PROGRAMS.—Section 1051 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''a bilateral'' and inserting ''a multilateral, bilateral,''; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''to and'' and inserting ''to, from, and''; and

(ii) by striking ''bilateral'' and inserting ''multilateral, bilateral,''; and

(B) in paragraph (2), by striking ''bilateral'' and inserting ''multilateral, bilateral,''.

(b) AVAILABILITY OF FUNDS FOR PROGRAMS AND ACTIVITIES ACROSS FISCAL YEARS.—Such section is further amended by adding at the end the following new subsection:

''(e) Funds available to carry out this section shall be available, to the extent provided in appropriations Acts, for programs and activities under this section that begin in a fiscal year and end in the following fiscal year.''.

(c) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 1051. Multilateral, bilateral, or regional cooperation programs: payment of personnel expenses''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by striking the item relating to section 1051 and inserting the following new item:

''1051. Multilateral, bilateral, or regional cooperation programs: payment of personnel expenses.''.

SEC. 1214. PARTICIPATION OF THE DEPARTMENT OF DEFENSE IN MULTINATIONAL MILITARY CENTERS OF EXCELLENCE.

(a) PARTICIPATION AUTHORIZED.—

(1) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2350m. Participation in multinational military centers of excellence

''(a) PARTICIPATION AUTHORIZED.—The Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of members of the armed forces and Department of Defense civilian personnel in any multinational military center of excellence hosted by any nation or combination of nations referred to in subsection (b) for purposes of—

''(1) enhancing the ability of military forces and civilian personnel of the nations participating in such center to engage in joint exercises or coalition or international military operations; or

''(2) improving interoperability between the armed forces and the military forces of friendly foreign nations.

''(b) COVERED NATIONS.—The nations referred to in this subsection are the following:

''(1) The United States.

''(2) Any member nation of the North Atlantic Treaty Organization (NATO).

''(3) Any major non-NATO ally.

''(4) Any other friendly foreign nation identified by the Secretary of Defense, with the concurrence of the Secretary of State, for purposes of this section.

''(c) MEMORANDUM OF UNDERSTANDING.—(1) The participation of members of the armed forces or Department of Defense civilian personnel in a multinational military center of excellence under subsection (a) shall be in accordance with the terms of one or more memoranda of understanding entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and the foreign nation or nations concerned.

''(2) If Department of Defense facilities, equipment, or funds are used to support a multinational military center of excellence under subsection (a), the memoranda of understanding under paragraph (1) with respect to that center shall provide details of any cost-sharing arrangement or other funding arrangement.

''(d) AVAILABILITY OF APPROPRIATED FUNDS.—(1) Funds appropriated to the Department of Defense for operation and maintenance are available as follows:

''(A) To pay the United States share of the operating expenses of any multinational military center of excellence in which the United States participates under this section.

''(B) To pay the costs of the participation of members of the armed forces and Department of Defense civilian personnel in multinational military centers of excellence under this section, including the costs of expenses of such participants.

''(2) No funds may be used under this section to fund the pay or salaries of members of the armed forces and Department of Defense civilian personnel who participate in multinational military centers of excellence under this section.

''(e) USE OF DEPARTMENT OF DEFENSE FACILITIES AND EQUIPMENT.—Facilities and equipment of the Department of Defense may be used for purposes of the support of multinational military centers of excellence under this section that are hosted by the Department.

''(f) ANNUAL REPORTS ON USE OF AUTHORITY.—(1) Not later than October 31, 2009, and annually thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the use of the authority in this section during the preceding fiscal year.

''(2) Each report required by paragraph (1) shall include, for the fiscal year covered by such report, the following:

''(A) A detailed description of the participation of the Department of Defense, and of members of the armed forces and civilian personnel of the Department, in multinational military centers of excellence under the authority of this section.

''(B) For each multinational military center of excellence in which the Department of Defense, or members of the armed forces or civilian personnel of the Department, so participated—

''(i) a description of such multinational military center of excellence;

''(ii) a description of the activities participated in by the Department, or by members of the armed forces or civilian personnel of the Department; and

''(iii) a statement of the costs of the Department for such participation, including—

''(I) a statement of the United States share of the expenses of such center and a statement of the percentage of the United States share of the expenses of such center to the total expenses of such center; and

''(II) a statement of the amount of such costs (including a separate statement of the amount of costs paid for under the authority of this section by category of costs).

''(g) DEFINITIONS.—In this section:

''(1) The term 'multinational military center of excellence' means an entity sponsored by one or more nations that is accredited and approved by the Military Committee of the North Atlantic Treaty Organization (NATO) as offering recognized expertise and experience to personnel participating in the activities of such entity for the benefit of NATO by providing such personnel opportunities to—

''(A) enhance education and training;

''(B) improve interoperability and capabilities;

''(C) assist in the development of doctrine; and

''(D) validate concepts through experimentation.

''(2) The term 'major non-NATO ally' means a country (other than a member nation of the North Atlantic Treaty Organization) that is designated as a major non-NATO ally pursuant to section 517 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 138 of such title is amended by adding at the end the following new item:

''2350m. Participation in multinational military centers of excellence.''.

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1205 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2416) is repealed.

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

Subtitle C—Other Authorities and Limitations

SEC. 1221. WAIVER OF CERTAIN SANCTIONS AGAINST NORTH KOREA.

(a) ANNUAL WAIVER AUTHORITY.—

(1) IN GENERAL.—Except as provided in subsection (b), the President may waive in whole or in part, with respect to North Korea, the application of any sanction under section 102(b) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)) for the purpose of—

(A) assisting in the implementation and verification of the compliance by North Korea with its commitment, undertaken in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula; and

(B) promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction and their delivery systems.

(2) DURATION OF WAIVER.—Any waiver issued under this subsection shall expire at the end of the calendar year in which issued.

(b) EXCEPTIONS.—

(1) LIMITED EXCEPTION RELATED TO CERTAIN SANCTIONS AND PROHIBITIONS.—The authority under subsection (a) shall not apply with respect to a sanction or prohibition under subparagraph (B), (C), or (G) of section 102(b)(2) of the Arms Export Control Act unless the President determines and certifies to the appropriate congressional committees that—

(A) all reasonable steps will be taken to ensure that the articles or services exported or otherwise provided will not be used to improve the military capabilities of the armed forces of North Korea; and

(B) such waiver is in the national security interests of the United States.

(2) LIMITED EXCEPTION RELATED TO CERTAIN ACTIVITIES.—Unless the President determines and certifies to the appropriate congressional committees that using the authority under subsection (a) is vital to the national security interests of the United States, such authority shall not apply with respect to—

(A) an activity described in subparagraph (A) of section 102(b)(1) of the Arms Export Control Act that occurs after September 19, 2005, and before the date of the enactment of this Act;

(B) an activity described in subparagraph (C) of such section that occurs after September 19, 2005; or

(C) an activity described in subparagraph (D) of such section that occurs after the date of the enactment of this Act.

(3) EXCEPTION RELATED TO CERTAIN ACTIVITIES OCCURRING AFTER DATE OF ENACTMENT.—The authority under subsection (a) shall not apply with respect to an activity described in subparagraph (A) or (B) of section 102(b)(1) of the Arms Export Control Act that occurs after the date of the enactment of this Act.

(c) NOTIFICATIONS AND REPORTS.—

(1) CONGRESSIONAL NOTIFICATION.—The President shall notify the appropriate congressional committees in writing not later than 15 days before exercising the waiver authority under subsection (a).

(2) ANNUAL REPORT.—Not later than January 31, 2009, and annually thereafter, the President shall submit to the appropriate congressional committees a report that—

(A) lists all waivers issued under subsection (a) during the preceding year;

(B) describes in detail the progress that is being made in the implementation of the commitment undertaken by North Korea, in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula;

(C) discusses specifically any shortcomings in the implementation by North Korea of that commitment; and

(D) lists and describes the progress and shortcomings, in the preceding year, of all other programs promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction or their delivery systems.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives.

Subtitle D—Reports

SEC. 1231. EXTENSION AND MODIFICATION OF UPDATES ON REPORT ON CLAIMS RELATING TO THE BOMBING OF THE LABELLE DISCOTHEQUE.

Section 122(b)(2) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3465), as amended by section 1262(1)(B) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 405), is further amended—

(1) by striking ''Not later than one year after enactment of this Act, and not later than two years after enactment of this Act'' and inserting ''Not later than the end of each calendar quarter ending after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2009''; and

(2) by adding at the end the following new sentence: ''Each update under this paragraph after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2009 shall be submitted in unclassified form, but may include a classified annex.''.

SEC. 1232. REPORT ON UTILIZATION OF CERTAIN GLOBAL PARTNERSHIP AUTHORITIES.

(a) IN GENERAL.—Not later than December 31, 2010, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress a report on the implementation of the Building

Global Partnership authorities during the period beginning on the date of the enactment of this Act and ending on September 30, 2010.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A detailed summary of the programs conducted under the Building Global Partnership authorities during the period covered by the report, including, for each country receiving assistance under such a program, a description of the assistance provided and its cost.

(2) An assessment of the impact of the assistance provided under the Building Global Partnership authorities with respect to each country receiving assistance under such authorities.

(3) A description of—

(A) the processes used by the Department of Defense and the Department of State to jointly formulate, prioritize, and select projects to be funded under the Building Global Partnership authorities; and

(B) the processes, if any, used by the Department of Defense and the Department of State to evaluate the success of each project so funded after its completion.

(4) A statement of the projects initiated under the Building Global Partnership authorities that were subsequently transitioned to and sustained under the authorities of the Foreign Assistance Act of 1961 or other authorities.

(5) An assessment of the utility of the Building Global Partnership authorities, and of any gaps in such authorities, including an assessment of the feasability and advisability of continuing such authorities beyond their current dates of expiration (whether in their current form or with such modifications as the Secretary of Defense and the Secretary of State jointly consider appropriate).

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives.

(2) BUILDING GLOBAL PARTNERSHIP AUTHORITIES.—The term ''Building Global Partnership authorities'' means the following:

(A) AUTHORITY FOR BUILDING CAPACITY OF FOREIGN MILITARY FORCES.—The authorities provided in section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as amended by section 1206 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2418) and section 1204 of this Act.

(B) AUTHORITY FOR SECURITY AND STABILIZATION ASSISTANCE.—The authorities provided in section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3458), as amended by section 1210 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 369) and section 1205 of this Act.

(C) CIVIC ASSISTANCE AUTHORITIES UNDER COMBATANT COMMANDER INITIATIVE FUND.—The authority to engage in urgent and unanticipated civic assistance under the Combatant Commander Initiative Fund under section 166a(b)(6) of title 10, United States Code, as a result of the amendments made by section 902 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2351).

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note).

(b) FISCAL YEAR 2009 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2009 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $434,135,000 authorized to be appropriated to the Department of Defense for fiscal year 2009 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $79,985,000.

(2) For nuclear weapons storage security in Russia, $33,101,000.

(3) For nuclear weapons transportation security in Russia, $40,800,000.

(4) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $50,286,000.

(5) For biological threat reduction in the states of the former Soviet Union, $184,463,000.

(6) For chemical weapons destruction in Russia, $1,000,000.

(7) For threat reduction outside the former Soviet Union, $10,000,000.

(8) For defense and military contacts, $8,000,000.

(9) For activities designated as Other Assessments/Administrative Support, $20,100,000.

(10) For strategic offensive arms elimination in Ukraine, $6,400,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2009 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (10) of subsection (a) until 15 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2009 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2009 for a purpose listed in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $198,150,000.

(2) For the Defense Working Capital Fund, Defense Commissary, $1,291,084,000.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the National Defense Sealift Fund in the amount of $1,608,553,000.

SEC. 1403. DEFENSE HEALTH PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $24,802,202,000, of which—

(1) $24,301,359,000 is for Operation and Maintenance;

(2) $196,938,000 is for Research, Development, Test, and Evaluation; and

(3) $303,905,000 is for Procurement.

(b) SOURCE OF CERTAIN FUNDS.—Of the amount available under subsection (a), $1,300,000,000 shall, to the extent provided in advance in an Act making appropriations for fiscal year 2009, be available by transfer from the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h).

SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,485,634,000, of which—

(1) $1,152,668,000 is for Operation and Maintenance;

(2) $268,881,000 is for Research, Development, Test, and Evaluation; and

(3) $64,085,000 is for Procurement.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $1,060,463,000.

SEC. 1406. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $273,845,000, of which—

(1) $270,445,000 is for Operation and Maintenance; and

(2) $3,400,000 is for Procurement.

SEC. 1407. REDUCTION IN CERTAIN AUTHORIZATIONS DUE TO SAVINGS FROM LOWER INFLATION.

(a) REDUCTION.—The aggregate amount authorized to be appropriated by this division is the amount equal to the sum of all the amounts authorized to be appropriated by the provisions of this division reduced by $1,048,000,000, to be allocated as follows:

(1) PROCUREMENT.—The aggregate amount authorized to be appropriated by title I is hereby reduced by $313,000,000.

(2) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The aggregate amount authorized to be appropriated by title II is hereby reduced by $239,000,000.

(3) OPERATION AND MAINTENANCE.—The aggregate amount authorized to be appropriated by title III is hereby reduced by $470,000,000.

(4) OTHER AUTHORIZATIONS.—The aggregate amount authorized to be appropriated by title XIV is hereby reduced by $26,000,000

(b) SOURCE OF SAVINGS.—Reductions required in order to comply with subsection (a) shall be derived from savings resulting from lower-than-expected inflation as a result of the difference between the inflation assumptions used in the Concurrent Resolution on the Budget for Fiscal Year 2009 when compared with the inflation assumptions used in the budget of the President for fiscal year 2009, as submitted to Congress pursuant to section 1005 of title 31, United States Code.

(c) ALLOCATION OF REDUCTIONS.—The Secretary of Defense shall allocate the reductions required by this section among the amounts authorized to be appropriated for accounts in titles I, II, III, and XIV to reflect the extent to which net savings from lower-than-expected inflations are allocable to amounts authorized to be appropriated to such accounts.

Subtitle B—Armed Forces Retirement Home

SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is authorized to be appropriated for fiscal year 2009 from the Armed Forces Retirement Home Trust Fund the sum of $63,010,000 for the operation of the Armed Forces Retirement Home.

Subtitle C—Other Matters

SEC. 1431. RESPONSIBILITIES FOR CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSIONS IN COLORADO AND KENTUCKY.

Section 172 of the National Defense Authorization Act for Fiscal Year 1993 (50 U.S.C. 1521 note) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) COLORADO AND KENTUCKY CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSIONS.—(1) Notwithstanding subsections (b), (g), and (h), and consistent with section 142 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1521 note) and section 8122 of the Department of Defense Appropriations Act, 2003 (Public Law 107–248; 116 Stat. 1566; 50 U.S.C. 1521 note), the Secretary of the Army shall transfer responsibilities for the Chemical Demilitarization Citizens' Advisory Commissions in Colorado and Kentucky to the Program Manager for Assembled Chemical Weapons Alternatives.

''(2) In carrying out the responsibilities transferred under paragraph (1), the Program Manager for Assembled Chemical Weapons Alternatives shall take appropriate actions to ensure that each Commission referred to in paragraph (1) retains the capacity to receive citizen and State concerns regarding the ongoing chemical demilitarization program in the State concerned.

''(3) A representative of the Office of the Assistant to the Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs shall meet with each Commission referred to in paragraph (1) not less often than twice a year.

''(4) Funds authorized to be appropriated for the Assembled Chemical Weapons Alternatives Program shall be available for travel and associated travel cost for Commissioners on the Commissions referred to in paragraph (1) when such travel is conducted at the invitation of the Special Assistant for Chemical and Biological Defense and Chemical Demilitarization Programs of the Department of Defense.''.

SEC. 1432. MODIFICATION OF DEFINITION OF "DEPARTMENT OF DEFENSE SEALIFT VESSEL" FOR PURPOSES OF THE NATIONAL DEFENSE SEALIFT FUND.

Section 2218(1)(2) of title 10, United States Code, is amended—

(1) by striking subparagraph (B) and inserting the following new subparagraph (B):

''(B) A maritime prepositioning ship, other than a ship derived from a Navy design for an amphibious ship or auxiliary support vessel.''; and

(2) by striking subparagraph (I).

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATIONS IN AFGHANISTAN

SEC. 1501. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2009 to provide additional funds for operations in Afghanistan.

SEC. 1502. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Army in amounts as follows:

(1) For aircraft procurement, $250,000,000.

(2) For missile procurement, $12,500,000.

(3) For weapons and tracked combat vehicles procurement, $375,000,000.

(4) For ammunition procurement, $87,500,000.

(5) For other procurement, $1,100,000,000.

SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Navy in amounts as follows:

(1) For aircraft procurement, $25,000,000.

(2) For weapons procurement, $12,500,000.

(3) For other procurement, $25,000,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for the Marine Corps in the amount of $250,000,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of $75,000,000.

SEC. 1504. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Air Force in amounts as follows:

(1) For aircraft procurement, $400,000,000.

(2) For missile procurement, $12,500,000.

(3) For ammunition procurement, $12,500,000.

(4) For other procurement, $150,000,000.

SEC. 1505. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized for fiscal year 2009 for the Joint Improvised Explosive Device Defeat Fund in the amount of $750,000,000.

(b) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as amended by subsection (c) of this section, shall apply to the funds appropriated pursuant to the authorization of appropriations in subsection (a).

(c) MODIFICATION OF FUNDS TRANSFER AUTHORITY.—Subsection (c)(1) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 is amended—

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively.

(d) PRIOR NOTICE OF TRANSFER OF FUNDS.—Funds authorized to be appropriated to the Joint Improvised Explosive Device Defeat Fund by subsection (a) may not be obligated from the Fund or transferred in accordance with the provisions of subsection (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007, as amended by subsection (c) of this section, until five days after the date on which the Secretary of Defense notifies the congressional defense committees of the proposed obligation or transfer.

(e) MODIFICATION OF SUBMITTAL DATE OF REPORTS.—Subsection (e) of such section 1514 is amended by striking ''30 days'' and inserting ''60 days''.

SEC. 1506. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for Defense-wide activities as follows:

(1) For Defense-wide procurement, $62,500,000.

(2) For the Mine Resistant Ambush Protected Vehicle Fund, $100,000,000.

SEC. 1507. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $15,000,000.

(2) For the Navy, $15,000,000.

(3) For the Air Force, $15,000,000.

(4) For Defense-wide activities, $15,000,000.

SEC. 1508. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $9,000,000,000.

(2) For the Navy, $500,000,000.

(3) For the Marine Corps, $1,000,000,000.

(4) For the Air Force, $500,000,000.

(5) For Defense-wide activities, $668,750,000.

(6) For the Army Reserve, $12,500,000.

(7) For the Navy Reserve, $7,500,000.

(8) For the Marine Corps Reserve, $10,000,000.

(9) For the Air Force Reserve, $3,750,000.

(10) For the Army National Guard, $75,000,000.

(11) For the Air National Guard, $12,500,000.

SEC. 1509. MILITARY PERSONNEL.

There is hereby authorized to be appropriated for fiscal year 2009 for the Department of Defense for military personnel in amounts as follows:

(1) For the Army, $500,000,000.

(2) For the Navy, $25,000,000.

(3) For the Marine Corps, $62,500,000.

(4) For the Air Force, $25,000,000.

(5) For the Army Reserve, $25,000,000.

(6) For the Navy Reserve, $7,500,000.

(7) For the Marine Corps Reserve, $5,000,000.

(8) For the Army National Guard, $100,000,000.

SEC. 1510. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in the amount of $250,000,000, for the Defense Working Capital Funds.

SEC. 1511. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $155,000,000 for operation and maintenance.

(b) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide in the amount of $150,000,000.

SEC. 1512. AFGHANISTAN SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the Afghanistan Security Forces Fund in the amount of $3,000,000,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds authorized to be appropriated by subsection (a) shall be available to the Secretary of Defense to provide assistance to the security forces of Afghanistan.

(2) TYPES OF ASSISTANCE AUTHORIZED.—Assistance provided under this section may include the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction, and funds.

(3) SECRETARY OF STATE CONCURRENCE.—Assistance may be provided under this section only with the concurrence of the Secretary of State.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Afghanistan Security Forces Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Overseas Humanitarian, Disaster, and Civic Aid.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO FUND.—Upon a determination that all or part of the funds transferred from the Afghanistan Security Forces Fund under paragraph (1) are not necessary for the purpose for which transferred, such funds may be transferred back to the Afghanistan Security Forces Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) PRIOR NOTICE TO CONGRESS OF OBLIGATION OR TRANSFER.—Funds may not be obligated from the Afghanistan Security Forces Fund, or transferred under subsection (d)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(f) CONTRIBUTIONS.—

(1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Subject to paragraph (2), the Secretary of Defense may accept contributions of amounts to the Afghanistan Security Forces Fund for the purposes provided in subsection (b) from any foreign government or international organization. Any amounts so accepted shall be credited to the Afghanistan Security Forces Fund.

(2) LIMITATION.—The Secretary may not accept a contribution under this subsection if the acceptance of the contribution would compromise or appear to compromise the integrity of any program of the Department of Defense.

(3) USE.—Amounts accepted under this subsection shall be available for assistance authorized by subsection (b), including transfer under subsection (d) for that purpose.

(4) NOTIFICATION.—The Secretary shall notify the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, in writing, upon the acceptance, and upon the transfer under subsection (d), of any contribution under this subsection. Such notice shall specify the source and amount of any amount so accepted and the use of any amount so accepted.

(g) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional defense committees a report summarizing the details of any obligation or transfer of funds from the Afghanistan Security Forces Fund during such fiscal-year quarter.

(h) EXPIRATION OF AUTHORITY.—The authority in this section shall expire on September 30, 2010.

SEC. 1513. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1514. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title and title XVI for fiscal year 2009 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $3,000,000,000, of which not more than $300,000,000 may be transferred to the Iraq Security Forces Fund.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

SEC. 1515. LIMITATION ON USE OF FUNDS.

(a) REPORT.—Amounts authorized to be appropriated by this title may not be obligated until 15 days after the Secretary of Defense has transmitted to the congressional defense committees a report setting forth the proposed allocation of such amounts at the program, project, or activity level.

(b) EFFECT OF REPORT.—The report required by subsection (a) shall serve as a base for reprogramming for the purposes of sections 1514 and 1001.

SEC. 1516. REQUIREMENT FOR SEPARATE DISPLAY OF BUDGET FOR AFGHANISTAN.

(a) IN GENERAL.—In any annual or supplemental budget request for the Department of Defense that is submitted to Congress after the date of the enactment of this Act, the Secretary of Defense shall set forth separately any funding requested in such budget request for operations of the Department of Defense in Afghanistan.

(b) SPECIFICITY OF DISPLAY.—Each budget request under subsection (a) shall—

(1) clearly display the amounts requested in the budget request for the Department of Defense for Afghanistan at the appropriation account level and at the program, project, or activity level; and

(2) also include a detailed description of the assumptions underlying the funding requested in the budget request for the Department of Defense for Afghanistan for the period covered by the budget request, including anticipated troop levels, operating tempos, and reset requirements.

TITLE XVI—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATIONS IN IRAQ

SEC. 1601. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2009 to provide additional funds for operations in Iraq.

SEC. 1602. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Army in amounts as follows:

(1) For aircraft procurement, $750,000,000.

(2) For missile procurement, $37,500,000.

(3) For weapons and tracked combat vehicles procurement, $1,125,000,000.

(4) For ammunition procurement, $262,500,000.

(5) For other procurement, $3,300,000,000.

SEC. 1603. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Navy in amounts as follows:

(1) For aircraft procurement, $75,000,000.

(2) For weapons procurement, $37,500,000.

(3) For other procurement, $75,000,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for the Marine Corps in the amount of $750,000,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of $225,000,000.

SEC. 1604. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Air Force in amounts as follows:

(1) For aircraft procurement, $400,000,000.

(2) For missile procurement, $37,500,000.

(3) For ammunition procurement, $37,500,000.

(4) For other procurement, $450,000,000.

SEC. 1605. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized for fiscal year

2009 for the Joint Improvised Explosive Device Defeat Fund in the amount of $2,250,000,000.

(b) RULE OF CONSTRUCTION.—The provisions of section 1505 and the amendments made by that section shall apply to the use of funds authorized to be appropriated by this section.

SEC. 1606. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for Defense-wide activities as follows:

(1) For Defense-wide procurement, $187,500,000.

(2) For the Mine Resistant Ambush Protected Vehicle Fund, $500,000,000.

SEC. 1607. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $35,000,000.

(2) For the Navy, $35,000,000.

(3) For the Air Force, $35,000,000.

(4) For Defense-wide activities, $35,000,000.

SEC. 1608. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $27,000,000,000.

(2) For the Navy, $1,500,000,000.

(3) For the Marine Corps, $3,000,000,000.

(4) For the Air Force, $1,500,000,000.

(5) For Defense-wide activities, $1,811,250,000.

(6) For the Army Reserve, $37,500,000.

(7) For the Navy Reserve, $22,500,000.

(8) For the Marine Corps Reserve, $30,000,000.

(9) For the Air Force Reserve, $11,250,000.

(10) For the Army National Guard, $225,000,000.

(11) For the Air National Guard, $37,500,000.

SEC. 1609. MILITARY PERSONNEL.

There is hereby authorized to be appropriated for fiscal year 2009 for the Department of Defense for military personnel in amounts as follows:

(1) For the Army, $1,500,000,000.

(2) For the Navy, $75,000,000.

(3) For the Marine Corps, $187,500,000.

(4) For the Air Force, $75,000,000.

(5) For the Army Reserve, $75,000,000.

(6) For the Navy Reserve, $22,500,000.

(7) For the Marine Corps Reserve, $15,000,000.

(8) For the Army National Guard, $300,000,000.

SEC. 1610. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in the amount of $750,000,000, for the Defense Working Capital Funds.

SEC. 1611. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $460,000,000 for operation and maintenance.

SEC. 1612. IRAQ FREEDOM FUND.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the Iraq Freedom Fund in the amount of $150,000,000.

(b) TRANSFER.—

(1) TRANSFER AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Freedom Fund to any accounts as follows:

(A) Operation and maintenance accounts of the Armed Forces.

(B) Military personnel accounts.

(C) Research, development, test, and evaluation accounts of the Department of Defense.

(D) Procurement accounts of the Department of Defense.

(E) Accounts providing funding for classified programs.

(F) The operating expenses account of the Coast Guard.

(2) NOTICE TO CONGRESS.—A transfer may not be made under the authority in paragraph (1) until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the transfer.

(3) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to an account under the authority in paragraph (1) shall be merged with amounts in such account and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

SEC. 1613. IRAQ SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the Iraq Security Forces Fund in the amount of $200,000,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds appropriated pursuant to subsection (a) shall be available to the Secretary of Defense for the purpose of allowing the Commander, Multi-National Security Transition Command–Iraq, to provide assistance to the security forces of Iraq.

(2) TYPES OF ASSISTANCE AUTHORIZED.—Assistance provided under this section may include the provision of equipment, supplies, services, and training.

(3) SECRETARY OF STATE CONCURRENCE.—Assistance may be provided under this section only with the concurrence of the Secretary of State.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Security Forces Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Overseas Humanitarian, Disaster, and Civic Aid account.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO THE FUND.—Upon determination that all or part of the funds transferred from the Iraq Security Forces Fund under paragraph (1) are not necessary for the purpose provided, such funds may be transferred back to the Iraq Security Forces Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) NOTICE TO CONGRESS.—Funds may not be obligated from the Iraq Security Forces Fund, or transferred under the authority provided in subsection (d)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(f) CONTRIBUTIONS.—

(1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Subject to paragraph (2), the Secretary of Defense may accept contributions of amounts to the Iraq Security Forces Fund for the purposes provided in subsection (b) from any foreign government or international organization. Any amounts so accepted shall be credited to the Iraq Security Forces Fund.

(2) LIMITATION.—The Secretary may not accept a contribution under this subsection if the acceptance of the contribution would compromise or appear to compromise the integrity of any program of the Department of Defense.

(3) USE.—Amounts accepted under this subsection shall be available for assistance authorized by subsection (b), including transfer under subsection (d) for that purpose.

(4) NOTIFICATION.—The Secretary shall notify the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, in writing, upon the acceptance, and upon the transfer under subsection (d), of any contribution under this subsection. Such notice shall specify the source and amount of any amount so accepted and the use of any amount so accepted.

(g) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional defense committees a report summarizing the details of any obligation or transfer of funds from the Iraq Security Forces Fund during such fiscal-year quarter.

(h) EXPIRATION OF AUTHORITY.—The authority in this section shall expire on September 30, 2010.

SEC. 1614. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1615. LIMITATION ON USE OF FUNDS.

(a) REPORT.—Amounts authorized to be appropriated by this title may not be obligated until 15 days after the Secretary of Defense has transmitted to the congressional defense committees a report setting forth the proposed allocation of such amounts at the program, project, or activity level.

(b) EFFECT OF REPORT.—The report required by subsection (a) shall serve as a base for reprogramming for the purposes of sections 1514 and 1001.

SEC. 1616. CONTRIBUTIONS BY THE GOVERNMENT OF IRAQ TO LARGE-SCALE INFRASTRUCTURE PROJECTS, COMBINED OPERATIONS, AND OTHER ACTIVITIES IN IRAQ.

(a) FINDING.—The Senate finds that the financial contributions of the Government of Iraq to the reconstruction and stability of Iraq have been increasing.

(b) LARGE-SCALE INFRASTRUCTURE PROJECTS.—

(1) LIMITATION ON AVAILABILITY OF UNITED STATES FUNDS FOR PROJECTS.—Amounts authorized to be appropriated by this Act

(other than amounts described in paragraph (3)) may not be obligated or expended for any large-scale infrastructure project in Iraq that is commenced after the date of the enactment of this Act.

(2) FUNDING OF RECONSTRUCTION PROJECTS BY THE GOVERNMENT OF IRAQ.—The United States Government shall work with the Government of Iraq to provide that the Government of Iraq shall obligate and expend funds of the Government of Iraq for reconstruction projects in Iraq that are not large-scale infrastructure projects before obligating and expending United States assistance (other than amounts described in paragraph (3)) for such projects.

(3) EXCEPTION FOR CERP.—The limitations in paragraphs (1) and (2) do not apply to amounts authorized to be appropriated by this Act for the Commanders' Emergency Response Program (CERP).

(4) LARGE-SCALE INFRASTRUCTURE PROJECT DEFINED.—In this subsection, the term ''large-scale infrastructure project'' means any construction project for infrastructure in Iraq that is estimated by the United States Government at the time of the commencement of the project to cost at least $2,000,000.

(c) COMBINED OPERATIONS.—

(1) IN GENERAL.—The United States Government shall initiate negotiations with the Government of Iraq on an agreement under which the Government of Iraq shall share with the United States Government the costs of combined operations of the Government of Iraq and the Multinational Forces Iraq undertaken as part of Operation Iraqi Freedom.

(2) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall, in conjunction with the Secretary of Defense, submit to Congress a report describing the status of negotiations under paragraph (1).

(d) IRAQI SECURITY FORCES.—

(1) IN GENERAL.—The United States Government shall take actions to ensure that Iraq funds are used to pay the following:

(A) The costs of the salaries, training, equipping, and sustainment of Iraqi Security Forces.

(B) The costs associated with the Sons of Iraq.

(2) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to Congress a report setting forth an assessment of the progress made in meeting the requirements of paragraph (1).

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2009''.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2011; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2011; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2012 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, and XXIX shall take effect on the later of—

(1) October 1, 2008; or

(2) the date of the enactment of this Act.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	$45,000,000
	Redstone Arsenal	$16,500,000
Alaska	Fort Richardson	$18,100,000
	Fort Wainright	$110,400,000
Arizona	Fort Huachuca	$11,200,000
	Yuma Proving Ground	$3,800,000
California	Fort Irwin	$39,600,000
	Presidio, Monterey	$15,000,000
	Sierra Army Depot	$12,400,000
Colorado	Fort Carson	$534,000,000
Georgia	Fort Benning	$267,800,000
	Fort Stewart/Hunter Army Air Field	$432,300,000
Hawaii	Pohakuloa Training Area	$21,300,000
	Schofield Barracks	$279,000,000
	Wahiawa	$40,000,000
Indiana	Crane Army Ammunition Activity	$8,300,000
Kansas	Fort Riley	$132,000,000
Kentucky	Fort Campbell	$118,113,000
Louisiana	Fort Polk	$29,000,000
Michigan	Detroit Arsenal	$6,100,000
Missouri	Fort Leonard Wood	$31,650,000
New York	Fort Drum	$90,000,000
	United States Military Academy, West Point	$67,000,000
North Carolina	Fort Bragg	$36,900,000
Oklahoma	Fort Sill	$63,000,000
Pennsylvania	Carlisle Barracks	$13,400,000
	Letterkenny Army Depot	$7,500,000
	Tobyhanna Army Depot	$15,000,000
South Carolina	Fort Jackson	$30,000,000
Texas	Corpus Christi Storage Complex	$39,000,000
	Fort Bliss	$1,031,800,000
	Fort Hood	$32,000,000
	Fort Sam Houston	$96,000,000
	Red River Army Depot	$6,900,000
Virginia	Fort Belvoir	$7,200,000
	Fort Eustis	$28,000,000
	Fort Lee	$100,600,000
	Fort Myer	$14,000,000
Washington	Fort Lewis	$158,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	$67,000,000
Germany	Katterbach	$19,000,000
	Wiesbaden Air Base	$119,000,000
Japan	Camp Zama	$2,350,000
	Sagamihara	$17,500,000
Korea	Camp Humphreys	$20,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Germany	Wiesbaden Air Base	326	$133,000,000
Korea	Camp Humphreys	216	$125,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $579,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $420,001,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $6,042,210,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $4,007,863,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $202,250,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $23,000,000.

(4) For host nation support and architectural and engineering services and construction design under section 2807 of title 10, United States Code, $200,807,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $678,580,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $716,110,000.

(6) For the construction of increment 3 of a barracks complex at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289), as added by section 2 of the Revised Continuing Resolution, 2007 (Public Law 110–5; 121 Stat. 41), $102,000,000.

(7) For the construction of increment 2 of the SOUTHCOM Headquarters at Miami Doral, Florida, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 504), $81,600,000.

(8) For the construction of increment 2 of the BDE Complex-Barracks/Community at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $15,000,000.

(9) For the construction of increment 2 of the BDE Complex-Operations Support Facility, at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $15,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $42,600,000 (the balance of the amount authorized under section 2101(b) for construction of a command and battle center at Wiesbaden, Germany).

SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), the authorizations set forth in the table in subsection (b), as provided in sections 2101 of that Act (118 Stat. 2101), shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Hawaii	Pohakuloa	Tactical Vehicle Wash Facility	$9,207,000
		Battle Area Complex	$33,660,000
Virginia	Fort Belvoir	Defense Access Road	$18,000,000

SEC. 2106. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2006 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorization set forth in the table in subsection (b), as provided in section 2101 of that Act (119 Stat. 3485), shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2005 Project Authorization

State	Installation or Location	Project	Amount
Hawaii	Schofield Barracks	Combined Arms Collective Training Facility	$32,542,000

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	$19,490,000
California	Marine Corps Base, Camp Pendleton	$799,870,000
	Marine Corps Logistics Base, Barstow	$7,830,000
	Marine Corps Air Station, Miramar	$48,770,000
	Naval Air Facility, El Centro	$8,900,000
	Naval Facility, San Clemente Island	$34,020,000
	Naval Air Station, North Island	$53,262,000
	Marine Corps Recruit Depot, San Diego	$51,200,000
	Marine Corps Base, Twentynine Palms	$145,550,000
Connecticut	Naval Submarine Base, Groton	$46,060,000
	Submarine Base, New London	$11,000,000
District of Columbia	Naval Support Activity, Washington	$24,220,000
Florida	Naval Air Station, Jacksonville	$12,890,000
	Naval Station, Mayport	$14,900,000
	Naval Support Activity, Tampa	$29,000,000
Georgia	Marine Corps Logistics Base, Albany	$15,320,000
Hawaii	Marine Corps Base, Kaneohe	$28,200,000
	Pacific Missile Range, Barking Sands	$28,900,000
	Naval Station, Pearl Harbor	$80,290,000
Illinois	Recruit Training Command, Great Lakes	$62,940,000
Maine	Portsmouth Naval Shipyard	$20,660,000
Maryland	Naval Surface Warfare Center, Indian Head	$25,980,000
Mississippi	Naval Air Station, Meridian	$6,340,000
	Naval Construction Battalion Center, Gulfport	$12,770,000
New Jersey	Naval Air Warfare Center, Lakehurst	$15,440,000
	Naval Weapons Station, Earle	$8,160,000
North Carolina	Marine Corps Air Station, Cherry Point	$77,420,000
	Marine Corps Air Station, New River	$86,280,000
	Marine Corps Base, Camp Lejeune	$353,090,000
Pennsylvania	Naval Support Activity, Philadelphia	$22,020,000
Rhode Island	Naval Station, Newport	$29,900,000
South Carolina	Marine Corps Air Station, Beaufort	$5,940,000
	Marine Corps Recruit Depot, Parris Island	$64,750,000
Virginia	Marine Corps Base, Quantico	$150,290,000
	Naval Station, Norfolk	$53,330,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Cuba	Naval Air Station, Guantanamo Bay	$20,600,000
Diego Garcia	Diego Garcia	$35,060,000
Djibouti	Camp Lemonier	$18,580,000
Guam	Naval Activities, Guam	$88,430,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(3), the Secretary of the Navy may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Unspecified	Unspecified Worldwide	$66,020,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amount set forth in the following table:

Navy: Family Housing

Location	Installation or Location	Units	Amount
Cuba	Naval Air Station, Guantanamo Bay	146	$62,598,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,169,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated

pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $318,011,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $3,884,469,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $2,455,002,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $162,670,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2201(c), $66,020,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $13,670,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $239,128,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $382,778,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $376,062,000.

(7) For the construction of increment 2 of kilo wharf extension at Naval Forces Marianas Islands, Guam, authorized by section 2201(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $50,912,000.

(8) For the construction of increment 2 of the sub drive-in magnetic silencing facility at Naval Submarine Base, Pearl Harbor, Hawaii, authorized in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $41,088,000.

(9) For the construction of increment 3 of the National Maritime Intelligence Center, Suitland, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), $12,439,000.

(10) For the construction of increment 2 of hangar 5 recapitalizations at Naval Air Station, Whidbey Island, Washington, authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), $34,000,000.

(11) For the construction of increment 5 of the limited area production and storage complex at Naval Submarine Base, Kitsap, Bangor, Washington (formerly referred to as a project at the Strategic Weapons Facility Pacific, Bangor), authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493) and section 2206 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 514) $50,700,000.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2005 PROJECT INSIDE THE UNITED STATES.

The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493) and section 2206 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 514), is further amended—

(1) in the item relating to Strategic Weapons Facility Pacific, Bangor, Washington, by striking ''$295,000,000'' in the amount column and inserting ''$311,670,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$1,084,497,000''.

SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECTS INSIDE THE UNITED STATES.

(a) MODIFICATIONS.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), as amended by section 2205(a)(17) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 513) is amended—

(1) in the item relating to NMIC/Naval Support Activity, Suitland, Maryland, by striking ''$67,939,000'' in the amount column and inserting ''$76,288,000''; and

(2) in the item relating to Naval Air Station, Whidbey Island, Washington, by striking ''$57,653,000'' in the amount column and inserting ''$60,500,000''.

(b) CONFORMING AMENDMENTS.—Section 2204(b) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2452), is amended—

(1) in paragraph (2), by striking ''$56,159,000'' and inserting ''$64,508,000''; and

(2) in paragraph (3), by striking ''$31,153,000'' and inserting ''$34,000,000''.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alabama	Maxwell Air Force Base	$15,556,000
Alaska	Elmendorf Air Force Base	$138,300,000
Arizona	Davis Monthan Air Force Base	$15,000,000
California	Edwards Air Force Base	$3,100,000
	Travis Air Force Base	$12,100,000
Colorado	Peterson Air Force Base	$4,900,000
	United States Air Force Academy	$18,000,000
Delaware	Dover Air Force Base	$19,000,000
Florida	Cape Canaveral Air Station	$8,000,000
	Eglin Air Force Base	$19,000,000
	MacDill Air Force Base	$21,000,000
Georgia	Robins Air Force Base	$24,100,000
Hawaii	Hickam Air Force Base	$8,700,000
Louisiana	Barksdale Air Force Base	$14,600,000
Maryland	Andrews Air Force Base	$77,648,000
Mississippi	Columbus Air Force Base	$8,100,000
	Keesler Air Force Base	$6,600,000
Montana	Malmstrom Air Force Base	$10,000,000
Nebraska	Offutt Air Force Base	$11,800,000
Nevada	Creech Air Force Base	$48,500,000
	Nellis Air Force Base	$63,100,000
New Mexico	Holloman Air Force Base	$25,450,000
North Carolina	Seymour Johnson Air Force Base	$12,200,000
North Dakota	Grand Forks Air Force Base	$13,000,000
Oklahoma	Altus Air Force Base	$10,200,000
	Tinker Air Force Base	$48,600,000
South Carolina	Charleston Air Force Base	$4,500,000
	Shaw Air Force Base	$9,900,000
South Dakota	Ellsworth Air Force Base	$11,000,000
Texas	Dyess Air Force Base	$21,000,000
	Fort Hood	$10,800,000
	Lackland Air Force Base	$75,515,000
Utah	Hill Air Force Base	$41,400,000
Washington	McChord Air Force Base	$5,500,000
Wyoming	Francis E. Warren Air Force Base	$8,600,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Airfield	$57,200,000
Guam	Andersen Air Force Base	$5,200,000
Kyrgyzstan	Manas Air Base	$6,000,000
United Kingdom	Royal Air Force Lakenheath	$7,400,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2304(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified	Classified Location	$891,000
Worldwide Unspecified	Unspecified Worldwide Locations	$52,500,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Air Force: Family Housing

Location	Installation or Location	Purpose	Amount
United Kingdom	Royal Air Force Lakenheath	182 Units	$71,828,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $7,708,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $316,343,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,057,408,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $844,769,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $75,800,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $53,391,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $15,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $73,104,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $395,879,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $599,465,000.

SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the tables in subsection (b), as provided in section 2302 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Alaska	Eielson Air Force Base	Replace Family Housing (92 units)	$37,650,000
		Purchase Build/Lease Housing (300 units)	$18,144,000
California	Edwards Air Force Base	Replace Family Housing (226 units)	$59,699,000
Florida	MacDill Air Force Base	Replace Family Housing (109 units)	$40,982,000
Missouri	Whiteman Air Force Base	Replace Family Housing (111 units)	$26,917,000
North Carolina	Seymour Johnson Air Force Base	Replace Family Housing (255 units)	$48,868,000
North Dakota	Grand Forks Air Force Base	Replace Family Housing (150 units)	$43,353,000

SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), authorizations set forth in the table in subsection (b), as provided in sections 2301 and 2302 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2005 Project Authorizations

State/Country	Installation or Location	Project	Amount
Arizona	Davis-Monthan Air Force Base	Replace Family Housing (250 units)	$48,500,000
California	Vandenberg Air Force Base	Replace Family Housing (120 units)	$30,906,000
Florida	MacDill Air Force Base	Construct Housing Maintenance Facility	$1,250,000
Missouri	Whiteman Air Force Base	Replace Family Housing (160 units)	$37,087,000
North Carolina	Seymour Johnson Air Force Base	Replace Family Housing (167 units)	$32,693,000
Germany	Ramstein Air Base	USAFE Theater Aerospace Operations Support Center	$24,204,000

TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or Location	Amount
Kentucky	Fort Campbell	$21,400,000
North Carolina	Fort Bragg	$78,471,000

Defense Intelligence Agency

State	Installation or Location	Amount
Illinois	Scott Air Force Base	$13,977,000

Defense Logistics Agency

State	Installation or Location	Amount
California	Defense Distribution Depot, Tracy	$50,300,000
Delaware	Defense Fuel Supply Center, Dover Air Force Base	$3,373,000
Florida	Defense Fuel Support Point, Jacksonville	$34,000,000
Georgia	Hunter Army Air Field	$3,500,000
Hawaii	Pearl Harbor	$27,700,000
New Mexico	Kirtland Air Force Base	$14,400,000
Oklahoma	Altus Air Force Base	$2,850,000
Pennsylvania	Philadelphia	$1,200,000
Utah	Hill Air Force Base	$20,400,000
Virginia	Craney Island	$39,900,000

National Security Agency

State	Installation or Location	Amount
Maryland	Fort Meade	$31,000,000

Special Operations Command

State	Installation or Location	Amount
California	Naval Amphibious Base, Coronado	$9,800,000
Florida	Eglin Air Force Base	$40,000,000
	Hurlburt Field	$8,900,000
	MacDill Air Force Base	$10,500,000
Kentucky	Fort Campbell	$15,000,000
New Mexico	Cannon Air Force Base	$26,400,000
North Carolina	Fort Bragg	$38,250,000
Virginia	Fort Story	$11,600,000
Washington	Fort Lewis	$38,000,000

TRICARE Management Activity

State	Installation or Location	Amount
Alaska	Fort Richardson	$6,300,000
Colorado	Buckley Air Force Base	$3,000,000
Georgia	Fort Benning	$3,900,000
Kansas	Fort Riley	$52,000,000
Kentucky	Fort Campbell	$24,000,000
Maryland	Aberdeen Proving Ground	$430,000,000
Missouri	Fort Leonard Wood	$22,000,000
Oklahoma	Tinker Air Force Base	$65,000,000

TRICARE Management Activity—Continued

State	Installation or Location	Amount
Texas	Fort Sam Houston	$13,000,000

Washington Headquarters Services

State	Installation or Location	Amount
Virginia	Pentagon Reservation	$38,940,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Logistics Agency

Country	Installation or Location	Amount
Germany	Germersheim	$48,000,000
Greece	Souda Bay	$27,761,000

Special Operations Command

Country	Installation or Location	Amount
Qatar	Al Udeid	$9,200,000

TRICARE Management Activity

Country	Installation or Location	Amount
Guam	Naval Activities	$30,000,000

Missile Defense Agency

Country	Installation or Location	Amount
Poland	Various Locations	$661,380,000
Czech Republic	Various Locations	$176,100,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(6), the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of $80,000,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $1,821,379,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $792,811,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $356,121,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $31,853,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $155,793,000.

(6) For energy conservation projects authorized by section 2402 of this Act, $80,000,000.

(7) For support of military family housing, including functions described in section 2833 of title 10, United States Code, and credits to the Department of Defense Family Housing Improvement Fund under section 2883 of title 10, United States Code, and the Homeowners Assistance Fund established under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), $54,581,000.

(8) For the construction of increment 4 of the National Security Agency regional security operations center at Augusta, Georgia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), as amended by section 7016 of the Emergency Supplemental Appropriation Act for Defense, Global War on Terrorism and Hurricane Relief (Public Law 109–234; 120 Stat. 485), $100,220,000.

(9) For the construction of increment 2 of the Army Medical Research Institute of Infectious Diseases Stage 1 at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $209,000,000.

(10) For the construction of increment 2 of the SOF Operational Facility at Dam Neck, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), $31,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $528,780,000 (the balance of the amount authorized for the Missile Defense Agency under section 2401(b) for the European interceptor site in Poland.

(3) $67,540,000 (the balance of the amount authorized for the Missile Defense Agency under section 2401(b) for the European midcourse radar site in the Czech Republic.

(c) LIMITATION ON EUROPEAN MISSILE DEFENSE CONSTRUCTION PROJECTS.—Funds appropriated pursuant to the authorization of appropriations in subsection (a)(2) for the projects authorized for the Missile Defense Agency under section 2401(b) may only be obligated or expended in accordance with the conditions specified in section 232 of this Act.

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECT.

(a) MODIFICATION.—The table relating to TRICARE Management Activity in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), is amended in the item relating to Fort Detrick, Maryland, by striking ''$550,000,000'' in the amount column and inserting ''$683,000,000''.

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2461) is amended by striking ''$521,000,000'' and inserting ''$654,000,000''.

SEC. 2405. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2006 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the tables in subsection (b),

as provided in section 2401 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Logistics Agency: Extension of 2006 Project Authorization

Installation or Location	Project	Amount
Defense Logistics Agency	Defense Distribution Depot Susquehanna, New Cumberland, Pennsylvania.	$6,500,000

Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZED CHEMICAL DEMILITARIZATION PROGRAM CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2412(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Chemical Demilitarization Program: Inside the United States

Army	Installation or Location	Amount
Army	Blue Grass Army Depot, Kentucky	$12,000,000

SEC. 2412. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction and land acquisition for chemical demilitarization in the total amount of $134,278,000, as follows:

(1) For military construction projects inside the United States authorized by section 2411(a), $12,000,000.

(2) For the construction of phase 10 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $65,060,000.

(3) For the construction of phase 9 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $67,218,000.

SEC. 2413. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1997 PROJECT.

(a) MODIFICATIONS.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2699), is amended—

(1) under the agency heading relating to the Chemical Demilitarization Program, in the item relating to Pueblo Army Depot, Colorado, by striking ''$261,000,000'' in the amount column and inserting ''$484,000,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$830,454,000''.

(b) CONFORMING AMENDMENT.—Section 2406(b)(2) of the Military Construction Authorization Act for Fiscal Year 1997 (110 Stat. 2779), as so amended, is further amended by striking ''$261,000,000'' and inserting ''$484,000,000''.

SEC. 2414. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECT.

(a) MODIFICATIONS.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), is amended—

(1) under the agency heading relating to Chemical Demilitarization, in the item relating to Blue Grass Army Depot, Kentucky, by striking ''$290,325,000'' in the amount column and inserting ''$492,000,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$949,920,000''.

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), is further amended by striking ''$267,525,000'' and inserting ''$469,200,000''.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $240,867,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations, and in the amounts, set forth in the following table:

Army National Guard

State	Location	Amount
Alabama	Fort McClellan	$3,000,000
Alaska	Bethel Armory	$16,000,000
Arizona	Camp Navajo	$13,000,000
	Florence	$13,800,000
	Papago Military Reservation	$24,000,000
Colorado	Denver	$9,000,000
	Grand Junction	$9,000,000
Connecticut	Camp Rell	$28,000,000
	East Haven	$13,800,000
Delaware	New Castle	$28,000,000

Army National Guard—Continued

State	Location	Amount
Florida	Camp Blanding	$12,400,000
Georgia	Dobbins Air Reserve Base	$45,000,000
Idaho	Orchard Training Area	$1,850,000
Illinois	Urbana Armory	$16,186,000
Indiana	Camp Atterbury	$5,800,000
	Lawrence	$21,000,000
Maine	Bangor	$20,000,000
Maryland	Edgewood	$28,000,000
	Salisbury	$9,800,000
Massachusetts	Methuen	$21,000,000
Michigan	Camp Grayling	$18,943,000
Minnesota	Arden Hills	$15,000,000
Nevada	Elko	$11,375,000
New York	Fort Drum	$11,000,000
	Queensbury	$5,900,000
South Carolina	Anderson	$12,000,000
	Beaufort	$3,400,000
	Eastover	$28,000,000
South Dakota	Rapid City	$43,463,000
Utah	Camp Williams	$17,500,000
Virginia	Arlington	$15,500,000
	Fort Pickett	$2,950,000
Vermont	Ethan Allen Range Jericho	$10,200,000
Washington	Fort Lewis (Gray Army Airfield)	$32,000,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(B), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations, and in the amounts, set forth in the following table:

Army Reserve

State	Location	Amount
California	Fort Hunter Liggett	$3,950,000
Hawaii	Fort Shafter	$19,199,000
Idaho	Hayden Lake	$9,580,000
Kansas	Dodge City	$8,100,000
Maryland	Baltimore	$11,600,000
Massachusetts	Fort Devens	$1,900,000
Michigan	Saginaw	$11,500,000
Missouri	Weldon Springs	$11,700,000
Nevada	Las Vegas	$33,900,000
New Jersey	Fort Dix	$3,825,000
New York	Kingston	$13,494,000
	Shoreham	$15,031,000
	Staten Island	$18,550,000
North Carolina	Raleigh	$25,581,000
Pennsylvania	Letterkenny Army Depot	$14,914,000
Tennessee	Chattanooga	$10,600,000
Texas	Sinton	$9,700,000
Washington	Seattle	$37,500,000
Wisconsin	Fort McCoy	$4,000,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
California	Lemoore	$15,420,000
Delaware	Wilmington	$11,530,000
Georgia	Marietta	$7,560,000
Virginia	Norfolk	$8,170,000
	Williamsburg	$12,320,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(A), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
Arkansas	Little Rock Air Force Base	$4,000,000
Colorado	Buckley Air Force Base	$4,200,000
Delaware	New Castle County Airport	$14,800,000
Iowa	Fort Dodge	$5,600,000
Kansas	Smoky Hill Air National Guard Range	$7,100,000
Massachusetts	Otis Air National Guard Base	$14,300,000
Minnesota	Duluth 148th Fighter Wing Base	$4,500,000
Mississippi	Gulfport-Biloxi International Airport	$3,400,000
New York	Gabreski Airport, Westhampton	$7,500,000
	Hancock Field	$5,000,000
Rhode Island	Quonset State Airport	$7,700,000
Tennessee	Knoxville	$8,000,000
Vermont	Burlington International Airport	$6,600,000
Washington	McChord Air Force Base	$8,600,000
West Virginia	Yeager Airport, Charleston	$27,000,000
Wisconsin	Truax Field	$6,300,000
Wyoming	Cheyenne Municipal Airport	$7,000,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(B), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
Georgia	Dobbins Air Reserve Base	$6,450,000
Oklahoma	Tinker Air Force Base	$9,900,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $634,407,000; and

(B) for the Army Reserve, $281,687,000.

(2) For the Department of the Navy, for the Navy and Marine Corps Reserve, $57,045,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $156,124,000; and

(B) for the Air Force Reserve, $26,615,000.

SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorizations set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
California	Camp Roberts	Urban Assault Course	$1,485,000
Idaho	Gowen Field	Railhead, Phase 1	$8,331,000
Mississippi	Biloxi	Readiness Center	$16,987,000
	Camp Shelby	Modified Record Fire Range	$2,970,000
Montana	Townsend	Automated Qualification Training Range.	$2,532,000
Pennsylvania	Philadelphia	Stryker Brigade Combat Team Readiness Center.	$11,806,000
	Philadelphia	Organizational Maintenance Shop #7.	$6,144,930

SEC. 2608. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2005 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), the authorization set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2005 Project Authorization

State	Installation or Location	Project	Amount
California	Dublin	Readiness Center, Add/Alt (ADRS)	$11,318,000

SEC. 2609. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2008 PROJECT.

The table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 527) is amended in the item relating to North Kingstown, Rhode Island, by striking ''$33,000,000'' in the amount column and inserting ''$38,000,000''.

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of $393,377,000, as follows:

(1) For the Department of the Army, $72,855,000.

(2) For the Department of the Navy, $178,700,000.

(3) For the Department of the Air Force, $139,155,000.

(4) For the Defense Agencies, $2,667,000.

SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703, the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $6,982,334,000.

SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of $9,065,386,000, as follows:

(1) For the Department of the Army, $4,486,178,000.

(2) For the Department of the Navy, $871,492,000.

(3) For the Department of the Air Force, $1,072,925,000.

(4) For the Defense Agencies, $2,634,791,000.

SEC. 2704. MODIFICATION OF ANNUAL BASE CLOSURE AND REALIGNMENT REPORTING REQUIREMENTS.

Section 2907 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by striking ''As part of the budget request for fiscal year 2007 and for each fiscal year thereafter'' and inserting ''(a) REPORTING REQUIREMENT.—As part of the budget request for fiscal year 2007 and for each fiscal year thereafter through fiscal year 2016''; and

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

''(b) TERMINATION OF REPORTING REQUIREMENTS RELATED TO REALIGNMENT ACTIONS.—The reporting requirements under subsection (a) shall terminate with respect to realignment actions after the report submitted with the budget for fiscal year 2014.''.

SEC. 2705. TECHNICAL CORRECTIONS REGARDING AUTHORIZED COST AND SCOPE OF WORK VARIATIONS FOR MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING PROJECTS RELATED TO BASE CLOSURES AND REALIGNMENTS.

(a) CORRECTION OF CITATION IN AMENDATORY LANGUAGE.—

(1) IN GENERAL.—Section 2704(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 532) is amended by striking ''section 2905A'' both places it appears and inserting ''section 2906A''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 28, 2008, as if included in the enactment of section 2704 of the Military Construction Authorization Act for Fiscal Year 2008.

(b) CORRECTION OF SCOPE OR WORK VARIATION LIMITATION.—Section 2906A(f) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by section 2704(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 532) and amended by subsection (a), is amended by striking ''20 percent or $2,000,000, whichever is greater'' and inserting ''20 percent or $2,000,000, whichever is less''.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. INCREASE IN THRESHOLD FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.

Section 2805(a)(1) of title 10, United States Code, is amended by striking ''$2,000,000'' in the first sentence and all that follows through the period at the end of the second sentence and inserting ''$3,000,000.''.

SEC. 2802. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

(a) ONE-YEAR EXTENSION OF AUTHORITY.—Subsection (a) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128), section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3508), section 2802 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2466), and section 2801 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 538), is further amended by striking ''2008'' and inserting ''2009''.

(b) EXCEPTION FOR PROJECTS IN AFGHANISTAN FROM LIMITATION ON AUTHORITY RELATED TO LONG-TERM UNITED STATES PRESENCE.—Such subsection, as so amended, is further amended by inserting before the period at the end of paragraph (2) the following: '', unless the military installation is located in Afghanistan, in which case the condition shall not apply''.

(c) QUARTERLY REPORTS.—Subsection (d)(1) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128) and section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3508), is further amended by striking ''30 days'' and inserting ''45 days''.

SEC. 2803. IMPROVED OVERSIGHT AND ACCOUNTABILITY FOR MILITARY HOUSING PRIVATIZATION INITIATIVE PROJECTS.

(a) IN GENERAL.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2885. Oversight and accountability for privatization projects

''(a) OVERSIGHT AND ACCOUNTABILITY MEASURES.—Each Secretary concerned shall prescribe regulations to effectively oversee and manage military housing privatization projects carried out under this subchapter. The regulations shall include the following requirements for each privatization project:

''(1) The installation asset manager shall conduct monthly site visits and provide reports on the progress of the construction or renovation of the housing units. The reports shall be endorsed by the commander at such installation and submitted quarterly to the assistant secretary for installations and environment of the respective military department and the Deputy Under Secretary of Defense (Installations and Environment).

''(2) The installation asset manager, and, as applicable, the resident construction manager, privatization asset manager, bondholder representative, project owner, developer, general contractor, and construction consultant for the project shall conduct monthly meetings to ensure that the construction or renovation of the units meets performance and schedule requirements and that appropriate operating and ground lease agreements are in place and adhered to.

''(3) If a project is 90 days or more behind schedule or otherwise appears to be substantially failing to adhere to the obligations or milestones under the contract, the assistant secretary for installations and environment of the respective military department shall submit a notice of deficiency to the Deputy Under Secretary of Defense (Installations and Environment), the Secretary concerned, the managing member, and the trustee for the project.

''(4)(A) Not later than 15 days after the submittal of a notice of deficiency under paragraph (3), the Secretary concerned shall submit to the project owner, developer, or general contractor responsible for the project a summary of deficiencies related to the project.

''(B) If the project owner, developer, or general contractor responsible for the project is unable, within 30 days after receiving a notice of deficiency under subparagraph (A), to make progress on the issues outlined in such notice, the Secretary concerned shall submit to the project owner, developer, or general contractor, the bondholder representative, and the trustee an official letter of concern addressing the deficiencies and detailing the corrective actions that should be taken to correct the deficiencies.

''(C) If the project owner, developer, or general contractor responsible for the privatization project is unable, within 60 days after receiving a notice of deficiency under subparagraph (A), to make progress on the issues outlined in such notice, the Deputy

Under Secretary of Defense (Installations and Environment) shall notify the congressional defense committees of the status of the project, and shall provide a recommended course of action to correct the problems.

''(b) COMMUNITY MEETINGS.—(1) Prior to the commencement of privatization project, the assistant secretary for installations and environment of the respective military department and the commanding officer of the local military installation shall hold a meeting with the local community to communicate the following information:

''(A) The nature of the project.

''(B) Any contractual arrangements.

''(C) Potential liabilities to local construction management companies and subcontractors.

''(2) The requirement under paragraph (1) may be met by publishing the information described in such paragraph on the Federal Business Opportunities (FedBizOpps) Internet website.

''(c) REQUIRED QUALIFICATIONS.—The Secretary concerned shall certify that the project owner, developer, or general contractor that is selected for each military housing privatization initiative project has construction experience commensurate with that required to complete the project.

''(d) BONDING LEVELS.—The Secretary concerned shall ensure that the project owner, developer, or general contractor responsible for a military housing privatization initiative project has sufficient payment and performance bonds or suitable instruments in place for each phase of a construction or renovation portion of the project to ensure successful completion of the work in amounts as agreed to in the project's legal documents, but in no case less than 50 percent of the total value of the active phases of the project, prior to the commencement of work for that phase.

''(e) CERTIFICATIONS REGRADING PREVIOUS BANKRUPTCY DECLARATIONS.—If a military department awards a contract or agreement for a military housing privatization initiative project to a project owner, developer, or general contractor that has previously declared bankruptcy, the Secretary concerned shall specify in the notification to Congress of the project award the extent to which the issues related to the previous bankruptcy are expected to impact the ability of the project owner, developer, or general contractor to complete the project.

''(f) COMMUNICATION REGARDING POOR PERFORMANCE.—The Deputy Under Secretary of Defense (Installations and Environment) shall prescribe policies to provide for regular and appropriate communication between representatives of the military departments and bondholders for military housing privatization initiative projects to ensure timely action to address inadequate performance in carrying out projects.

''(g) REPORTING OF EFFORTS TO SELECT SUCCESSOR IN EVENT OF DEFAULT.—In the event a military housing privatization initiative project enters into default, the assistant secretary for installations and environment of the respective military department shall submit a report to the congressional defense committees every 90 days detailing the status of negotiations to award the project to a new project owner, developer, or general contractor.

''(h) EFFECT OF UNSATISFACTORY PERFORMANCE RATING ON AFFILIATED ENTITIES.—In the event the project owner, developer, or general contractor for a military construction project receives an unsatisfactory performance rating due to poor performance, each parent, subsidiary, affiliate, or other controlling entity of such owner, developer, or contractor shall also receive an unsatisfactory performance rating.

''(i) EFFECT OF NOTICES OF DEFICIENCY ON CONTRACTORS AND AFFILIATED ENTITIES.—(1) The Deputy Under Secretary of Defense (Installations and Environment) shall keep a record of all plans of action or notices of deficiency issued to a project owner, developer, or general contractor under subsection (a)(4), including the identity of each parent, subsidiary, affiliate, or other controlling entity of such owner, developer, or contractor.

''(2) CONSULTATION.—Each military department shall consult the records maintained under paragraph (1) when reviewing the past performance of owners, developers, and contractors in the bidding process for a contract or other agreement for a military housing privatization initiative project.

''(j) PROCEDURES FOR IDENTIFYING AND COMMUNICATING BEST PRACTICES FOR TRANSACTIONS.—(1) The Secretary of Defense shall identify best practices for military housing privatization projects, including—

''(A) effective means to track and verify proper performance, schedule, and cash flow;

''(B) means of overseeing the actions of bondholders to properly monitor construction progress and construction draws;

''(C) effective structuring of transactions to ensure the United States Government has adequate abilities to oversee project owner performance; and

''(D) ensuring that notices to proceed on new work are not issued until proper bonding is in place.

''(2) The Secretary shall prescribe regulations to implement the best practices developed pursuant to paragraph (1).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2885. Oversight and accountability for privatization projects.''.

SEC. 2804. LEASING OF MILITARY FAMILY HOUSING TO SECRETARY OF DEFENSE.

(a) LEASING OF HOUSING.—Subchapter II of chapter 169 of title 10, United States Code, is amended by inserting after section 2837 the following new section:

''§ 2838. Leasing of military family housing to Secretary of Defense

''(a) AUTHORITY.—(1) The Secretary of a military department may lease to the Secretary of Defense military family housing in the National Capital Region (as defined in section 2674(f) of this title).

''(2) In determining the military housing unit to lease under this section, the Secretary of Defense should first consider any available military housing units that are already substantially equipped for executive communications and security.

''(b) RENTAL RATE.—A lease under subsection (a) shall provide for the payment by the Secretary of Defense of consideration in an amount equal to 105 percent of the monthly rate of basic allowance for housing prescribed under section 403(b) of title 37 for a member of the uniformed services in the pay grade of O–10 with dependents assigned to duty at the military installation on which the leased housing unit is located. A rate so established shall be considered the fair market value of the lease interest.

''(c) TREATMENT OF PROCEEDS.—(1) The Secretary of a military department shall deposit all amounts received pursuant to leases entered into by the Secretary under this section into a special account in the Treasury established for such military department.

''(2) The proceeds deposited into the special account of a military department pursuant to paragraph (1) shall be available to the Secretary of that military department, without further appropriation, for the maintenance, protection, alteration, repair, improvement, or restoration of military housing on the military installation at which the housing leased pursuant to subsection (a) is located.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2838. Leasing of military family housing to Secretary of Defense.''.

SEC. 2805. COST-BENEFIT ANALYSIS OF DISSOLUTION OF PATRICK FAMILY HOUSING LLC.

(a) COST-BENEFIT ANALYSIS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a cost-benefit analysis of dissolving Patrick Family Housing LLC without exercising the full range of rights available to the United States Government to recover damages from the partnership.

(b) CONTENT.—The analysis required under subsection (a) shall include an evaluation of the best practices for executing military housing privatization projects as determined by the Department of Defense and the Secretaries concerned and the other options available to restore the financial health of nonperforming or defaulting projects.

(c) TEMPORARY MORATORIUM ON CERTAIN ACTIONS.—The Secretary of the Air Force may not, in carrying out a military housing privatization project initiated at Patrick Air Force Base, Florida, dissolve the Patrick Family Housing LLC until the Secretary of the Air Force submits the cost-benefit analysis required under subsection (a).

Subtitle B—Real Property and Facilities Administration

SEC. 2811. PARTICIPATION IN CONSERVATION BANKING PROGRAMS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2694b the following new section:

''§ 2694c. Participation in conservation banking programs

''(a) AUTHORITY TO PARTICIPATE.—The Secretary of a military department, and the Secretary of Defense with respect to matters concerning a Defense Agency, when engaged or proposing to engage in an authorized activity that may or will result in an adverse impact on one or more species protected (or pending protection) under any applicable provision of law, or on a habitat for such species, may make payments to a conservation banking program or 'in-lieu-fee' mitigation sponsor approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605; November 28, 1995) or the Guidance for the Establishment, Use, and Operation of Conservation Banks (68 Fed. Reg. 24753; May 2, 2003), or any successor or related administrative guidance or regulation.

''(b) FACILITATION OF TESTING OR TRAINING ACTIVITIES OR MILITARY CONSTRUCTION.—Participation in conservation banking and 'in-lieu-fee' programs under subsection (a) shall be for the purposes of facilitating—

''(1) military testing or training activities; or

''(2) military construction.

''(c) TREATMENT OF PAYMENTS.—Payments made under subsection (a) to a conservation banking program or 'in-lieu-fee' mitigation sponsor for the purpose of facilitating military construction may be treated as eligible project costs for such military construction.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2694b the following new item:

''2694c. Participation in conservation banking programs.''.

SEC. 2812. CLARIFICATION OF CONGRESSIONAL REPORTING REQUIREMENTS FOR CERTAIN REAL PROPERTY TRANSACTIONS.

Section 2662(c) of title 10, United States Code, is amended by striking ''river and harbor projects or flood control projects'' and inserting ''water resource development projects of the Corps of Engineers''.

SEC. 2813. MODIFICATION OF LAND MANAGEMENT RESTRICTIONS APPLICABLE TO UTAH NATIONAL DEFENSE LANDS.

Section 2815 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 852) is amended—

(1) in subsection (a), by striking ''that are adjacent to or near the Utah Test and Training Range and Dugway Proving Ground or beneath'' and inserting ''that are beneath''; and

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

''(e) SUNSET DATE.—This section shall expire on October 1, 2013.''.

Subtitle C—Land Conveyances

SEC. 2821. TRANSFER OF PROCEEDS FROM PROPERTY CONVEYANCE, MARINE CORPS LOGISTICS BASE, ALBANY, GEORGIA.

(a) TRANSFER AUTHORIZED.—The Secretary of Defense may transfer any proceeds from the sale of approximately 120.375 acres of improved land located at the former Boyett Village Family Housing Complex at the Marine Corps Logistics Base, Albany, Georgia, into the Department of Defense Family Housing Improvement Fund established under section 2883(a)(1) of title 10, United States Code, for carrying out activities under subchapter IV of chapter 169 of that title with respect to military family housing.

(b) NOTIFICATION REQUIREMENT.—A transfer of proceeds under subsection (a) may be made only after the end of the 30-day period beginning on the date the Secretary of Defense submits written notice of the transfer to the congressional defense committees.

Subtitle D—Energy Security

SEC. 2831. EXPANSION OF AUTHORITY OF THE MILITARY DEPARTMENTS TO DEVELOP ENERGY ON MILITARY LANDS.

(a) DEVELOPMENT OF ANY RENEWABLE ENERGY RESOURCE.—Section 2917 of title 10, United States Code, is amended—

(1) by inserting ''(a) DEVELOPMENT OF RENEWABLE ENERGY RESOURCES.—'' before ''The Secretary of a military department'';

(2) in subsection (a), as designated by paragraph (1), by striking ''geothermal energy resource'' and inserting ''renewable energy resource''; and

(3) by adding at the end the following new subsection:

''(b) RENEWABLE ENERGY RESOURCE DEFINED.—In this section, the term 'renewable energy resource' has the meaning given the term 'renewable energy' in section 203(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2)).''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 2917. Development of renewable energy resources on military lands''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 173 of such title is amended by striking the item relating to section 2917 and inserting the following new item:

''2917. Development of renewable energy resources on military lands.''.

Subtitle E—Other Matters

SEC. 2841. REPORT ON APPLICATION OF FORCE PROTECTION AND ANTI-TERRORISM STANDARDS TO GATES AND ENTRY POINTS ON MILITARY INSTALLATIONS.

(a) REPORT REQUIRED.—Not later than February 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of Department of Defense Anti-Terrorism/Force Protection standards at gates and entry points of military installations.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) A description of the anti-terrorism/force protection standards for gates and entry points.

(2) An assessment, by installation, of whether the gates and entry points meet anti-terrorism/force protection standards.

(3) An assessment of whether the standards are met with either temporary or permanent measures, facilities, or equipment.

(4) A description and cost estimate of each action to be taken by the Secretary of Defense for each installation to ensure compliance with Department of Defense Anti-Terrorism/Force Protection standards using permanent measures and construction methods.

(5) An investment plan to complete all action required to ensure compliance with the standards described under paragraph (1).

TITLE XXIX—WAR-RELATED MILITARY CONSTRUCTION AUTHORIZATIONS

Subtitle A—Fiscal Year 2008 Projects

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Wainwright	$17,000,000
California	Fort Irwin	$11,800,000
Colorado	Fort Carson	$8,400,000
Georgia	Fort Gordon	$7,800,000
Hawaii	Schofield Barracks	$12,500,000
Kentucky	Fort Campbell	$9,900,000
	Fort Knox	$7,400,000
North Carolina	Fort Bragg	$8,500,000
Oklahoma	Fort Sill	$9,000,000
Texas	Fort Bliss	$17,300,000
	Fort Hood	$7,200,000
	Fort Sam Houston	$7,000,000
Virginia	Fort Lee	$7,400,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Iraq	Camp Adder	$13,200,000
	Camp Ramadi	$6,200,000
	Fallujah	$5,500,000

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds authorized to be appropriated under 2901(c) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 571), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $162,100,000 as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $131,200,000.

(2) For military construction projects outside the United States authorized by subsection (b), $24,900,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $6,000,000.

SEC. 2902. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
California	Camp Pendleton	$9,270,000
	China Lake	$7,210,000
	Point Mugu	$7,250,000
	San Diego	$12,299,000
	Twentynine Palms	$11,250,000
Florida	Eglin Air Force Base	$780,000
Mississippi	Gulfport	$6,570,000
North Carolina	Camp Lejeune	$27,980,000
Virginia	Yorktown	$8,070,000

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds authorized to be appropriated under 2902(d) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 572), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $94,731,000 as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $90,679,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $4,052,000.

SEC. 2903. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

Country	Installation or Location	Amount
California	Beale Air Force Base	$17,600,000
Florida	Eglin Air Force Base	$11,000,000
New Mexico	Cannon Air Force Base	$8,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Qatar	Al Udeid	$60,400,000

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds authorized to be appropriated under 2903(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 573), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $98,427,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $36,600,000.

(2) For military construction projects outside the United States authorized by subsection (b), $60,400,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $1,427,000.

SEC. 2904. TERMINATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2008 ARMY PROJECTS.

(a) TERMINATION OF AUTHORITY.—The table in section 2901(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 570), is amended—

(1) in the item relating to Camp Adder, Iraq, by striking ''$80,650,000'' in the amount column and inserting ''$75,800,000'';

(2) in the item relating to Camp Anaconda, Iraq, by striking ''$53,500,000'' in the amount column and inserting ''$10,500,000'';

(3) in the item relating to Camp Victory, Iraq, by striking ''$65,400,000'' in the amount column and inserting ''$60,400,000'';

(4) by striking the item relating to Tikrit, Iraq; and

(5) in the item relating to Camp Speicher, Iraq, by striking ''$83,900,000'' in the amount column and inserting ''$74,100,000''.

(b) CONFORMING AMENDMENTS.—Section 2901(c) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 571) is amended—

(1) by striking ''$1,257,750,000'' and inserting ''$1,152,100,000''; and

(2) in paragraph (2), by striking ''$1,055,450,000'' and inserting ''$949,800,000''.

Subtitle B—Fiscal Year 2009 Projects

SEC. 2911. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Army may acquire real property and carry out military construction projects to construct or renovate warrior transition unit facilities at the installations or locations inside the United States set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Various	Various locations	$400,000,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $450,000,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $400,000,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $50,000,000.

(c) REPORT REQUIRED BEFORE COMMENCING CERTAIN PROJECTS.—Funds may not be obligated for the projects authorized by this section until 14 days after the date on which the Secretary of Defense submits to the congressional defense committees a report containing a detailed justification for the projects.

SEC. 2912. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Navy may acquire real property and carry out military construction projects to construct or renovate warrior transition unit facilities at the installations or locations inside the United States set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Various	Various locations	$40,000,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Subject to section 2825 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $50,000,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $40,000,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $10,000,000.

(c) REPORT REQUIRED BEFORE COMMENCING CERTAIN PROJECTS.—Funds may not be obligated for the projects authorized by this section until 14 days after the date on which the Secretary of Defense submits to the congressional defense committees a report containing a detailed justification for the projects.

SEC. 2913. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

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

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

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

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $9,641,892,000, to be allocated as follows:

(1) For weapons activities, $6,610,701,000.

(2) For defense nuclear nonproliferation activities, including $538,782,000 for fissile materials disposition, $1,799,056,000.

(3) For naval reactors, $828,054,000.

(4) For the Office of the Administrator for Nuclear Security, $404,081,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) For readiness in technical base and facilities, the following new plant projects:

Project 09–D–404, Test Capabilities Revitalization Phase 2, Sandia National Laboratory, Albuquerque, New Mexico, $3,200,000.

Project 08–D–806, Ion Beam Laboratory Project, Sandia National Laboratory, Albuquerque, New Mexico, $10,014,000.

(2) For naval reactors, the following new plant projects:

Project 09–D–902, Naval Reactors Facility Production Support Complex, Naval Reactors Facility, Idaho Falls, Idaho, $8,300,000.

Project 09–D–190, Project engineering and design, Knolls Atomic Power Laboratory infrastructure upgrades, Knolls Atomic Power Laboratory, Kesselring Site, Schenectady, New York, $1,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,297,256,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for other defense activities in carrying out programs necessary for national security in the amount of $826,453,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $197,371,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. MODIFICATION OF FUNCTIONS OF ADMINISTRATOR FOR NUCLEAR SECURITY TO INCLUDE ELIMINATION OF SURPLUS FISSILE MATERIALS USABLE FOR NUCLEAR WEAPONS.

Section 3212(b)(1) of the National Nuclear Security Administration Act (50 U.S.C. 2402(b)(1)) is amended—

(1) by redesignating paragraph (18) as paragraph (19); and

(2) by inserting after paragraph (17) the following new paragraph (18):

''(18) Eliminating inventories of surplus fissile materials usable for nuclear weapons.''.

SEC. 3112. REPORT ON COMPLIANCE WITH DESIGN BASIS THREAT ISSUED BY THE DEPARTMENT OF ENERGY IN 2005.

(a) IN GENERAL.—Not later than January 2, 2009, the Secretary of Energy shall submit to the congressional defense committees a report setting forth the status of the compliance of Department of Energy sites with the Design Basis Threat issued by the Department in November 2005 (in this section referred to as the ''2005 Design Basis Threat'').

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) For each Department of Energy site subject to the 2005 Design Basis Threat, an assessment of whether the site has achieved compliance with the 2005 Design Basis Threat.

(2) For each such site that has not achieved compliance with the 2005 Design Basis Threat—

(A) a description of the reasons for the failure to achieve compliance;

(B) a plan to achieve compliance;

(C) a description of the actions that will be taken to mitigate any security shortfalls until compliance is achieved; and

(D) an estimate of the annual funding requirements to achieve compliance.

(3) A list of such sites with Category I nuclear materials that the Secretary determines will not achieve compliance with the 2005 Design Basis Threat.

(4) For each site identified under paragraph (3), a plan to remove all Category I nuclear materials from such site, including—

(A) a schedule for the removal of such nuclear materials from such site;

(B) a clear description of the actions that will be taken to ensure the security of such nuclear materials; and

(C) an estimate of the annual funding requirements to remove such nuclear materials from such site.

(5) An assessment of the adequacy of the 2005 Design Basis Threat in addressing security threats at Department of Energy sites, and a description of any plans for updating, modifying, or otherwise revising the approach taken by the 2005 Design Basis Threat to establish enhanced security requirements for Department of Energy sites.

SEC. 3113. MODIFICATION OF SUBMITTAL OF REPORTS ON INADVERTENT RELEASES OF RESTRICTED DATA.

(a) IN GENERAL.—Section 4522 of the Atomic Energy Defense Act (50 U.S.C. 2672) is amended—

(1) in subsection (e), by striking ''on a periodic basis'' and inserting ''in each even-numbered year''; and

(2) in subsection (f), by striking paragraph (2) and inserting the following new paragraph (2):

''(2) The Secretary of Energy shall, in each even-numbered year beginning in 2010, submit to the committees and Assistant to the President specified in subsection (d) a report identifying any inadvertent releases of Restricted Data or Formerly Restricted Data under Executive Order No. 12958 discovered in the two-year period preceding the submittal of the report.''.

(b) TECHNICAL CORRECTION.—Subsection (e) of such section, as amended by subsection (a)(1) of this section, is further amended by striking ''subsection (b)(4)'' and inserting ''subsection (b)(5)''.

SEC. 3114. NONPROLIFERATION SCHOLARSHIP AND FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—The Administrator for Nuclear Security shall carry out a program to provide scholarships and fellowships for the purpose of enabling individuals to qualify for employment in the nonproliferation programs of the Department of Energy.

(b) ELIGIBLE INDIVIDUALS.—An individual shall be eligible for a scholarship or fellowship under the program established under this section if the individual—

(1) is a citizen or national of the United States or an alien lawfully admitted to the United States for permanent residence;

(2) has been accepted for enrollment or is currently enrolled as a full-time student at

an institution of higher education (as defined in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a));

(3) is pursuing a program of education that leads to an appropriate higher education degree in a qualifying field of study, as determined by the Administrator;

(4) enters into an agreement described in subsection (c); and

(5) meets such other requirements as the Administrator prescribes.

(c) AGREEMENT.—An individual seeking a scholarship or fellowship under the program established under this section shall enter into an agreement, in writing, with the Administrator that includes the following:

(1) The agreement of the Administrator to provide such individual with a scholarship or fellowship in the form of educational assistance for a specified number of school years (not to exceed five school years) during which such individual is pursuing a program of education in a qualifying field of study, which educational assistance may include payment of tuition, fees, books, laboratory expenses, and a stipend.

(2) The agreement of such individual—

(A) to accept such educational assistance;

(B) to maintain enrollment and attendance in a program of education described in subsection (b)(2) until such individual completes such program;

(C) while enrolled in such program, to maintain satisfactory academic progress in such program, as determined by the institution of higher education in which such individual is enrolled; and

(D) after completion of such program, to serve as a full-time employee in a nonproliferation position in the Department of Energy or at a laboratory of the Department for a period of not less than 12 months for each school year or part of a school year for which such individual receives a scholarship or fellowship under the program established under this section.

(3) The agreement of such individual with respect to the repayment requirements specified in subsection (d).

(d) REPAYMENT.—

(1) IN GENERAL.—An individual receiving a scholarship or fellowship under the program established under this section shall agree to pay to the United States the total amount of educational assistance provided to such individual under such program, plus interest at the rate prescribed by paragraph (4), if such individual—

(A) does not complete the program of education agreed to pursuant to subsection (c)(2)(B);

(B) completes such program of education but declines to serve in a position in the Department of Energy or at a laboratory of the Department as agreed to pursuant to subsection (c)(2)(D); or

(C) is voluntarily separated from service or involuntarily separated for cause from the Department of Energy or a laboratory of the Department before the end of the period for which such individual agreed to continue in the service of the Department pursuant to subsection (c)(2)(D).

(2) FAILURE TO REPAY.—If an individual who received a scholarship or fellowship under the program established under this section is required to repay, pursuant to an agreement under paragraph (1), the total amount of educational assistance provided to such individual under such program, plus interest at the rate prescribed by paragraph (4), and fails repay such amount, a sum equal to such amount (plus such interest) is recoverable by the United States Government from such individual or the estate of such individual by—

(A) in the case of an individual who is an employee of the United States Government, setoff against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the Government; or

(B) such other method as is provided by law for the recovery of amounts owed to the Government.

(3) WAIVER OF REPAYMENT.—The Administrator may waive, in whole or in part, repayment by an individual under this subsection if the Administrator determines that seeking recovery under paragraph (2) would be against equity and good conscience or would be contrary to the best interests of the United States.

(4) RATE OF INTEREST.—For purposes of repayment under this subsection, the total amount of educational assistance provided to an individual under the program established under this section shall bear interest at the applicable rate of interest under section 427A(c) of the Higher Education Act of 1965 (20 U.S.C. 1077a(c)).

(e) PREFERENCE FOR COOPERATIVE EDUCATION STUDENTS.—In evaluating individuals for the award of a scholarship or fellowship under the program established under this section, the Administrator may give a preference to an individual who is enrolled in, or accepted for enrollment in, an institution of higher education that has a cooperative education program with the Department of Energy.

(f) COORDINATION OF BENEFITS.—A scholarship or fellowship awarded under the program established under this section shall be taken into account in determining the eligibility of an individual receiving such scholarship or fellowship for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(g) REPORT TO CONGRESS.—Not later than January 1, 2010, the Administrator shall submit to the congressional defense committees a report on the activities carried out under the program established under this section, including any recommendations for future activities under such program.

(h) FUNDING.—Of the amounts authorized to be appropriated by section 3101(a)(2) for defense nuclear nonproliferation activities, $3,000,000 shall be available to carry out the program established under this section.

SEC. 3115. REVIEW OF AND REPORTS ON GLOBAL INITIATIVES FOR PROLIFERATION PREVENTION PROGRAM.

(a) REVIEW OF PROGRAM.—

(1) IN GENERAL.—The Administrator for Nuclear Security shall conduct a review of the Global Initiatives for Proliferation Prevention program.

(2) REPORT REQUIRED.—Not later than February 1, 2009, the Administrator shall submit to the congressional defense committees a report setting forth the results of the review required under paragraph (1). The report shall include the following:

(A) A description of the goals of the Global Initiatives for Proliferation Prevention program and the criteria for partnership projects under the program.

(B) Recommendations regarding the following:

(i) Whether to continue or bring to a close each of the partnership projects under the program in existence on the date of the enactment of this Act, and, if any such project is recommended to be continued, a description of how that project will meet the criteria under subparagraph (A).

(ii) Whether to enter into new partnership projects under the program with Russia or other countries of the former Soviet Union.

(iii) Whether to enter into new partnership projects under the program in countries other than countries of the former Soviet Union.

(C) A plan for completing partnership projects under the program with the countries of the former Soviet Union by 2012.

(b) REPORT ON FUNDING FOR PROJECTS UNDER PROGRAM.—

(1) IN GENERAL.—The Administrator shall submit to the congressional defense committees a report on—

(A) the purposes for which amounts made available for the Global Initiatives for Proliferation Prevention program for fiscal year 2009 will be obligated or expended; and

(B) the amount to be obligated or expended for each partnership project under the program in fiscal year 2009.

(2) LIMITATION ON FUNDING BEFORE SUBMITTAL OF REPORT.—None of the amounts authorized to be appropriated for fiscal year 2009 by section 3101(a)(2) for defense nuclear nonproliferation activities and available for the Global Initiatives for Proliferation Prevention program may be obligated or expended until the date that is 30 days after the date on which the Administrator submits to the congressional defense committees the report required under paragraph (1).

(c) LIMITATION ON FUNDING FOR GLOBAL NUCLEAR ENERGY PARTNERSHIP.—None of the amounts authorized to be appropriated for fiscal year 2009 by section 3101(a)(2) for defense nuclear nonproliferation activities and available for the Global Initiatives for Proliferation Prevention program may be used for projects related to energy security that could promote the Global Nuclear Energy Partnership.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2009, $28,968,574 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

On Wednesday, September 17, 2008, the Senate passed S. 3002, as amended, as follows:

S. 3002

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 ''Department of Defense Authorization Act for Fiscal Year 2009''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Army as follows:

(1) For aircraft, $4,957,435,000.

(2) For missiles, $2,211,460,000.

(3) For weapons and tracked combat vehicles, $3,689,277,000.

(4) For ammunition, $2,303,791,000.

(5) For other procurement, $11,861,704,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Navy as follows:

(1) For aircraft, $14,729,274,000.

(2) For weapons, including missiles and torpedoes, $3,605,482,000.

(3) For shipbuilding and conversion, $13,037,218,000.

(4) For other procurement, $5,516,506,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Marine Corps in the amount of $1,495,665,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement of ammunition for the Navy and the Marine Corps in the amount of $1,131,712,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Air Force as follows:

(1) For aircraft, $13,235,286,000.

(2) For missiles, $5,556,728,000.

(3) For ammunition, $895,478,000.

(4) For other procurement, $16,115,496,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2009 for Defense-wide procurement as follows:

(1) For Defense-wide procurement, $3,466,928,000.

(2) For the Rapid Acquisition Fund, $102,045,000.

Subtitle B—Army Programs

SEC. 111. STRYKER MOBILE GUN SYSTEM.

(a) TESTING OF SYSTEM.—If the Secretary of the Army makes the certification described by subsection (a) of section 117 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–18; 122 Stat. 26) with respect to the Stryker Mobile Gun System, or the Secretary of Defense waives pursuant to subsection (b) of such section the limitations under subsection (a) of such section with respect to the Stryker Mobile Gun System, the Secretary of Defense shall, through the Director of Operational Test and Evaluation, ensure that the Stryker Mobile Gun System is subject to testing to confirm the efficacy of any actions necessary to mitigate operational effectiveness, suitability, and survivability deficiencies identified in Initial Operational Test and Evaluation and Live Fire Test and Evaluation.

(b) QUARTERLY REPORTS.—

(1) REPORTS REQUIRED.—The Secretary of the Army shall submit to the congressional defense committees on a quarterly basis a report setting forth the following:

(A) The status of any necessary mitigating actions taken by the Army to address deficiencies in the Stryker Mobile Gun System that are identified by the Director of Operational Test and Evaluation.

(B) An assessment of the efficacy of the actions described by subparagraph (A).

(C) A statement of additional actions needed to be taken, if any, to mitigate operational deficiencies in the Stryker Mobile Gun System.

(D) A compilation of all hostile fire engagements resulting in damage to the vehicle, resulting in a non-mission capable status of the Stryker Mobile Gun System.

(2) CONSULTATION.—The Secretary shall submit each report required by paragraph (1) in consultation with the Director of Operational Test and Evaluation.

(3) FORM.—Each report required by paragraph (1) may be submitted in unclassified or classified form.

(c) EXPANSION OF LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT OF SYSTEM.—Section 117(a) of the National Defense Authorization Act for Fiscal Year 2008 is amended by striking ''by sections 101(3) and 1501(3)'' and inserting ''by this Act or any other Act.''.

SEC. 112. PROCUREMENT OF SMALL ARMS.

(a) REPORT ON CAPABILITIES BASED ASSESSMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the Capabilities Based Assessment of small arms by the Army Training and Doctrine Command.

(2) LIMITATION ON USE OF CERTAIN FUNDS PENDING REPORT.—Not more than 75 percent of the aggregate amount authorized to be appropriated for the Department of Defense for fiscal year 2009 and available for the Guardrail Common Sensor program may be obligated for that program until after the Secretary of the Army submits to the congressional defense committees a report required under paragraph (1).

(b) COMPETITION FOR NEW INDIVIDUAL WEAPON.—

(1) COMPETITION REQUIRED.—In the event the Capabilities Based Assessment identifies gaps in the current capabilities of the small arms of the Army and the Secretary of the Army determines that a new individual weapon is required to address such gaps, the Secretary shall procure the new individual weapon through one or more contracts entered into after full and open competition described in paragraph (2).

(2) FULL AND OPEN COMPETITION.—The full and open competition described in this paragraph is full and open competition among all responsible manufacturers that—

(A) is open to all developmental item solutions and nondevelopmental item (NDI) solutions; and

(B) provides for the award of the contract or contracts concerned based on selection criteria that reflect the key performance parameters and attributes identified in an Army-approved service requirements document.

(c) REPORT ON PROCUREMENT OF CARBINE-TYPE RIFLES.—Not later than 120 days after the date of the enactment of this Act, Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of each of the following:

(1) The certification of a carbine-type rifle requirement that does not require commonality with existing technical data.

(2) A full and open competition leading to the award of contracts for carbine-type rifles in lieu of a developmental program intended to meet the proposed carbine-type rifle requirement.

(3) The reprogramming of funds for the procurement of small arms from the procurement of M4 Carbines to the procurement of carbine-type rifles authorized only as the result of competition.

(4) The use of rapid equipping authority to procure carbine-type rifles under $2,000 per

unit that meet service-approved requirements, which weapons may be nondevelopmental items selected through full and open competition.

Subtitle C—Navy Programs

SEC. 131. AUTHORITY FOR ADVANCED PROCUREMENT AND CONSTRUCTION OF COMPONENTS FOR THE VIRGINIA-CLASS SUBMARINE PROGRAM.

Section 121 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 26) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) ADVANCE PROCUREMENT AND CONSTRUCTION OF COMPONENTS.—The Secretary may enter into one or more contracts for advance procurement and advance construction of those components for the Virginia-class submarine program for which authorization to enter into a multiyear procurement contract is granted under subsection (a) if the Secretary determines that cost savings or construction efficiencies may be achieved for Virginia-class submarines through the use of such contracts.''.

SEC. 132. REFUELING AND COMPLEX OVERHAUL OF THE U.S.S. THEODORE ROOSEVELT.

(a) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—

(1) IN GENERAL.—Of the amount authorized to be appropriated for fiscal year 2009 by section 102(a)(3) for shipbuilding and conversion, Navy, $124,500,000 is available for the commencement of the nuclear refueling and complex overhaul of the U.S.S. Theodore Roosevelt (CVN–71) during fiscal year 2009.

(2) FIRST INCREMENT.—The amount made available under paragraph (1) is the first increment of the three increments of funding planned to be available for the nuclear refueling and complex overhaul of the U.S.S. Theodore Roosevelt.

(b) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Navy may enter into a contract during fiscal year 2009 for the nuclear refueling and complex overhaul of the U.S.S. Theodore Roosevelt.

(2) CONDITION ON OUT-YEAR CONTRACT PAYMENTS.—The contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2009 is subject to the availability of appropriations for that purpose for such fiscal year.

Subtitle D—Air Force Programs

SEC. 151. F–22A FIGHTER AIRCRAFT.

(a) AVAILABILITY OF FUNDS.—Subject to subsection (b), of the amount authorized to be appropriated by section 103(1) for procurement of aircraft for the Air Force, $497,000,000 shall be available, at the election of the President, for either, but not both, of the following:

(1) Advance procurement of F–22A fighter aircraft in fiscal year 2010.

(2) Winding down of the production line for F–22A fighter aircraft.

(b) CERTIFICATION.—

(1) IN GENERAL.—The amount referred to in subsection (a) shall not be available for the purpose elected by the President under that subsection until the President certifies to the congressional defense committees the following (as applicable):

(A) That procurement of F–22A fighter aircraft is in the national interests of the United States.

(B) That the winding down of the production line for F–22A fighter aircraft is in the national interests of the United States.

(2) DATE OF SUBMITTAL.—Any certification submitted under this subsection may not be submitted before January 21, 2009.

Subtitle E—Joint and Multiservice Matters

SEC. 171. ANNUAL LONG-TERM PLAN FOR THE PROCUREMENT OF AIRCRAFT FOR THE NAVY AND THE AIR FORCE.

(a) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by inserting after section 231 the following new section:

''§ 231a. Budgeting for procurement of aircraft for the Navy and Air Force: annual plan and certification

''(a) ANNUAL AIRCRAFT PROCUREMENT PLAN AND CERTIFICATION.—The Secretary of Defense shall include with the defense budget materials for each fiscal year—

''(1) a plan for the procurement of the aircraft specified in subsection (b) for the Department of the Navy and the Department of the Air Force developed in accordance with this section; and

''(2) a certification by the Secretary that both the budget for such fiscal year and the future-years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding of the procurement of aircraft at a level that is sufficient for the procurement of the aircraft provided for in the plan under paragraph (1) on the schedule provided in the plan.

''(b) COVERED AIRCRAFT.—The aircraft specified in this subsection are the aircraft as follows:

''(1) Fighter aircraft.

''(2) Attack aircraft.

''(3) Bomber aircraft.

''(4) Strategic lift aircraft.

''(5) Intratheater lift aircraft.

''(6) Intelligence, surveillance, and reconnaissance aircraft.

''(7) Tanker aircraft.

''(8) Any other major support aircraft designated by the Secretary of Defense for purposes of this section.

''(c) ANNUAL AIRCRAFT PROCUREMENT PLAN.—(1) The annual aircraft procurement plan developed for a fiscal year for purposes of subsection (a)(1) should be designed so that the aviation force provided for under the plan is capable of supporting the national security strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a), except that, if at the time the plan is submitted with the defense budget materials for that fiscal year, a national security strategy report required under such section 108 has not been submitted to Congress as required by paragraph (2) or paragraph (3), if applicable, of subsection (a) of such section, then the plan should be designed so that the aviation force provided for under the plan is capable of supporting the aviation force structure recommended in the report of the most recent Quadrennial Defense Review.

''(2) Each annual aircraft procurement plan shall include the following:

''(A) A detailed program for the procurement of the aircraft specified in subsection (b) for each of the Department of the Navy and the Department of the Air Force over the next 30 fiscal years.

''(B) A description of the necessary aviation force structure to meet the requirements of the national security strategy of the United States or the most recent Quadrennial Defense Review, whichever is applicable under paragraph (1).

''(C) The estimated levels of annual funding necessary to carry out the program, together with a discussion of the procurement strategies on which such estimated levels of annual funding are based.

''(D) An assessment by the Secretary of Defense of the extent to which the combined aircraft forces of the Department of the Navy and the Department of the Air Force meet the national security requirements of the United States.

''(d) ASSESSMENT WHEN AIRCRAFT PROCUREMENT BUDGET IS INSUFFICIENT TO MEET APPLICABLE REQUIREMENTS.—If the budget for a fiscal year provides for funding of the procurement of aircraft for either the Department of the Navy or the Department of the Air Force at a level that is not sufficient to sustain the aviation force structure specified in the aircraft procurement plan for such Department for that fiscal year under subsection (a), the Secretary shall include with the defense budget materials for that fiscal year an assessment that describes and discusses the risks associated with the reduced force structure of aircraft that will result from funding aircraft procurement at such level. Such assessment shall be coordinated in advance with the commanders of the combatant commands.

''(e) DEFINITIONS.—In this section:

''(1) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

''(2) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

''(3) The term 'Quadrennial Defense Review' means the review of the defense programs and policies of the United States that is carried out every 4 years under section 118 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by inserting after the item relating to section 231 the following new item:

''231a. Budgeting for procurement of aircraft for the Navy and Air Force: annual plan and certification.''.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $10,855,210,000.

(2) For the Navy, $19,442,192,000.

(3) For the Air Force, $28,322,477,000.

(4) For Defense-wide activities, $21,113,501,000, of which $188,772,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECHNOLOGY.

(a) FISCAL YEAR 2009.—Of the amounts authorized to be appropriated by section 201, $11,895,180,000 shall be available for the Defense Science and Technology Program, including basic research, applied research, and advanced technology development projects.

(b) BASIC RESEARCH, APPLIED RESEARCH, AND ADVANCED TECHNOLOGY DEVELOPMENT DEFINED.—For purposes of this section, the term ''basic research, applied research, and advanced technology development'' means work funded in programs elements for defense research and development under Department of Defense budget activity 1, 2, or 3.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. REQUIREMENT FOR PLAN ON OVERHEAD NONIMAGING INFRARED SYSTEMS.

(a) IN GENERAL.—The Secretary of the Air Force shall develop a comprehensive plan to conduct and support research, development, and demonstration of technologies that could evolve into the next generation of overhead nonimaging infrared systems.

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) The research objectives to be achieved under the plan.

(2) An estimate of the duration of the research, development, and demonstration of technologies under the plan.

(3) The cost and duration of any flight or on-orbit demonstrations of the technologies being developed.

(4) A plan for implementing an acquisition program with respect to technologies determined to be successful under the plan.

(5) An identification of the date by which a decision must be made to begin a follow-on program and a justification for the date identified.

(6) A schedule for completion of a full analysis of the on-orbit performance characteristics of the Space-Based Infrared System and the Space Tracking and Surveillance System, and an assessment of how the performance characteristics of such systems will inform the decision to proceed to a next generation overhead nonimaging infrared system.

(c) LIMITATION ON OBLIGATION AND EXPENDITURE OF FUNDS FOR THIRD GENERATION INFRARED SURVEILLANCE PROGRAM.—Not more than 50 percent of the amounts authorized to be appropriated for fiscal year 2009 by section 201(3) for research, development, test, and evaluation for the Air Force and available for the Third Generation Infrared Surveillance program may be obligated or expended until the date that is 30 days after the date on which the Secretary submits to the congressional defense committees the plan required by subsection (a).

SEC. 212. ADVANCED BATTERY MANUFACTURING AND TECHNOLOGY ROADMAP.

(a) ROADMAP REQUIRED.—The Secretary of Defense shall, in coordination with the Secretary of Energy, develop a multi-year roadmap to develop advanced battery technologies and sustain domestic advanced battery manufacturing capabilities and an assured supply chain necessary to ensure that the Department of Defense has assured access to advanced battery technologies to support current military requirements and emerging military needs.

(b) ELEMENTS.—The roadmap required by subsection (a) shall include, but not be limited to, the following:

(1) An identification of current and future capability gaps, performance enhancements, cost savings goals, and assured technology access goals that require advances in battery technology and manufacturing capabilities.

(2) Specific research, technology, and manufacturing goals and milestones, and timelines and estimates of funding necessary for achieving such goals and milestones.

(3) Specific mechanisms for coordinating the activities of Federal agencies, State and local governments, coalition partners, private industry, and academia covered by the roadmap.

(4) Such other matters as the Secretary of Defense and the Secretary of Energy consider appropriate for purposes of the roadmap.

(c) COORDINATION.—

(1) IN GENERAL.—The roadmap required by subsection (a) shall be developed in coordination with the military departments, appropriate Defense Agencies and other elements and organizations of the Department of Defense, other appropriate Federal, State, and local government organizations, and appropriate representatives of private industry and academia.

(2) DEPARTMENT OF DEFENSE SUPPORT.—The Secretary of Defense shall ensure that appropriate elements and organizations of the Department of Defense provide such information and other support as is required for the development of the roadmap.

(d) SUBMITTAL TO CONGRESS.—The Secretary of Defense shall submit to the congressional defense committees the roadmap required by subsection (a) not later than one year after the date of the enactment of this Act.

SEC. 213. AVAILABILITY OF FUNDS FOR DEFENSE LABORATORIES FOR RESEARCH AND DEVELOPMENT OF TECHNOLOGIES FOR MILITARY MISSIONS.

(a) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretaries of the military departments, establish mechanisms under which the director of a defense laboratory may utilize an amount equal to not more than three percent of all funds available to the defense laboratory for the following purposes:

(A) To fund innovative basic and applied research at the defense laboratory in support of military missions.

(B) To fund development programs that support the transition of technologies developed by the defense laboratory into operational use.

(C) To fund workforce development activities that improve the capacity of the defense laboratory to recruit and retain personnel with scientific and engineering expertise required by the defense laboratory.

(2) CONSULTATION REQUIRED.—The mechanisms established under paragraph (1) shall provide that funding shall be utilized under paragraph (1) at the discretion of the director of a defense laboratory in consultation with the science and technology executive of the military department concerned.

(b) ANNUAL REPORT ON USE OF AUTHORITY.—

(1) IN GENERAL.—Not later than March 1 each year, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority under subsection (a) during the preceding year.

(2) ELEMENTS.—Each report under paragraph (1) shall include, with respect to the year covered by such report, the following:

(A) A current description of the mechanisms under subsection (a).

(B) A statement of the amount of funding made available by each defense laboratory for research and development described in subsection (a)(1).

(C) A description of the investments made by each defense laboratory utilizing funds under subsection (a).

(D) A description and assessment of any improvements in the performance of the defense laboratories as a result of investments described under subparagraph (C).

(E) A description and assessment of the contributions of the research and development conducted by the defense laboratories utilizing funds under subsection (a) to the development of needed military capabilities.

(F) A description of any modification to the mechanisms under subsection (a) that are required or proposed to be taken to enhance the efficacy of the authority under subsection (a) to support military missions.

SEC. 214. ASSURED FUNDING FOR CERTAIN INFORMATION SECURITY AND INFORMATION ASSURANCE PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Of the amount authorized to be appropriated for each fiscal year after fiscal year 2008 for a program specified in subsection (b), not less than the amount equal to one percent of such amount shall be available in such fiscal year for the establishment or conduct under such program of a program or activities to—

(1) anticipate advances in information technology that will create information security challenges for the Department of Defense when fielded; and

(2) identify and develop solutions to such challenges.

(b) COVERED PROGRAMS.—The programs specified in this subsection are the programs described in the budget justification documents submitted to Congress in support of the budget of the President for fiscal year 2009 (as submitted pursuant to section 1105(a) of title 31, United States Code) as follows:

(1) The Information Systems Security Program of the Department of Defense.

(2) Each other Department of Defense information assurance program.

(3) Any program of the Department of Defense under the Comprehensive National Cybersecurity Initiative that is not funded by the National Intelligence Program.

(c) SUPPLEMENT NOT SUPPLANT.—Amounts available under subsection (a) for a fiscal year for the programs and activities described in that subsection are in addition to any other amounts available for such fiscal year for the programs specified in subsection (b) for research and development relating to new information assurance technologies.

SEC. 215. REQUIREMENTS FOR CERTAIN AIRBORNE INTELLIGENCE COLLECTION SYSTEMS.

(a) IN GENERAL.—Except as provided pursuant to subsection (b), effective as of October 1, 2012, each airborne intelligence collection system of the Department of Defense that is connected to the Distributed Common Ground/Surface System shall have the capability to operate with the Network-Centric Collaborative Targeting System.

(b) EXCEPTIONS.—The requirement in subsection (a) with respect to a particular airborne intelligence collection system may be waived by the Chairman of the Joint Requirements Oversight Council under section 181 of title 10, United States Code. Waivers under this subsection shall be made on a case-by-case basis.

Subtitle C—Missile Defense Programs

SEC. 231. REVIEW OF THE BALLISTIC MISSILE DEFENSE POLICY AND STRATEGY OF THE UNITED STATES.

(a) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review of the ballistic missile defense policy and strategy of the United States.

(b) ELEMENTS.—The matters addressed by the review required by subsection (a) shall include, but not be limited to, the following:

(1) The ballistic missile defense policy of the United States in relation to the overall national security policy of the United States.

(2) The ballistic missile defense strategy and objectives of the United States in relation to the national security strategy of the United States and the military strategy of the United States.

(3) The organization, discharge, and oversight of acquisition for the ballistic missile defense programs of the United States.

(4) The roles and responsibilities of the military departments in the ballistic missile defense programs of the United States.

(5) The process for determining requirements for missile defense capabilities under the ballistic missile defense programs of the United States, including input from the joint military requirements process.

(6) The process for determining the force structure and inventory objectives for the ballistic missile defense programs of the United States.

(7) Standards for the military utility, operational effectiveness, suitability, and survivability of the ballistic missile defense systems of the United States.

(8) The affordability and cost-effectiveness of particular capabilities under the ballistic

missile defense programs of the United States.

(9) The objectives, requirements, and standards for test and evaluation with respect to the ballistic missile defense programs of the United States.

(10) Accountability, transparency, and oversight with respect to the ballistic missile defense programs of the United States.

(11) The role of international cooperation on missile defense in the ballistic missile defense policy and strategy of the United States.

(c) REPORT.—

(1) IN GENERAL.—Not later than January 31, 2010, the Secretary shall submit to Congress a report setting forth the results of the review required by subsection (a).

(2) FORM.—The report required by this subsection shall be in unclassified form, but may include a classified annex.

SEC. 232. LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT, CONSTRUCTION, AND DEPLOYMENT OF MISSILE DEFENSES IN EUROPE.

(a) IN GENERAL.—No funds authorized to be appropriated by this Act may be obligated or expended for procurement, site activation, construction, preparation of equipment for, or deployment of major components of a long-range missile defense system in a European country until each of the following conditions have been met:

(1) The government of the country in which such major components of such missile defense system (including interceptors and associated radars) are proposed to be deployed has given final approval (including parliamentary ratification) to any missile defense agreements negotiated between such government and the United States Government concerning the proposed deployment of such components in such country.

(2) 45 days have elapsed following the receipt by Congress of the report required by section 226(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 42).

(b) ADDITIONAL LIMITATION.—In addition to the limitation in subsection (a), no funds authorized to be appropriated by this Act may be obligated or expended for the acquisition (other than initial long-lead procurement) or deployment of operational missiles of a long-range missile defense system in Europe until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to Congress a report certifying that the proposed interceptor to be deployed as part of such missile defense system has demonstrated, through successful, operationally realistic flight testing, a high probability of accomplishing its mission in an operationally effective manner.

(c) CONSTRUCTION.—Nothing in this section shall be construed to limit continuing obligation and expenditure of funds for missile defense, including for research and development and for other activities not otherwise limited by subsection (a) or (b), including, but not limited to, site surveys, studies, analysis, and planning and design for the proposed missile defense deployment in Europe.

SEC. 233. AIRBORNE LASER SYSTEM.

(a) REPORT ON DIRECTOR OF OPERATIONAL TEST AND EVALUATION ASSESSMENT OF TESTING.—Not later than January 15, 2010, the Director of Operational Test and Evaluation shall—

(1) review and evaluate the testing conducted on the first Airborne Laser system aircraft, including the planned shootdown demonstration testing; and

(2) submit to the Secretary of Defense and to Congress an assessment by the Director of the operational effectiveness, suitability, and survivability of the Airborne Laser system.

(b) LIMITATION ON AVAILABILITY OF FUNDS FOR LATER AIRBORNE LASER SYSTEM AIRCRAFT.—No funds authorized to be appropriated for the Department of Defense may be obligated or expended for the procurement of a second or subsequent aircraft for the Airborne Laser system program until the Secretary of Defense, after receiving the assessment of the Director of Operational Test and Evaluation under subsection (a)(2), submits to Congress a certification that the Airborne Laser system has demonstrated, through successful testing and operational and cost analysis, a high probability of being operationally effective, suitable, survivable, and affordable.

SEC. 234. ANNUAL DIRECTOR OF OPERATIONAL TEST AND EVALUATION CHARACTERIZATION OF OPERATIONAL EFFECTIVENESS, SUITABILITY, AND SURVIVABILITY OF THE BALLISTIC MISSILE DEFENSE SYSTEM.

(a) ANNUAL CHARACTERIZATION.—Section 232(h) of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Director of Operational Test and Evaluation shall also each year characterize the operational effectiveness, suitability, and survivability of the ballistic missile defense system, and its elements, that have been fielded or tested before the end of the preceding fiscal year.''; and

(3) in paragraph (3), as redesignated by paragraph (1) of this subsection, by inserting ''and the characterization under paragraph (2)'' after ''the assessment under paragraph (1)''.

(b) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows: ''ANNUAL OT&E ASSESSMENT AND CHARACTERIZATION OF CERTAIN BALLISTIC MISSILE DEFENSE MATTERS.—''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 235. INDEPENDENT ASSESSMENT OF BOOST-PHASE MISSILE DEFENSE PROGRAMS.

(a) INDEPENDENT ASSESSMENT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with the National Academy of Sciences under which the Academy shall conduct an independent assessment of the boost-phase ballistic missile defense programs of the United States.

(b) ELEMENTS.—The assessment required by subsection (a) shall consider the following:

(1) The extent to which boost-phase missile defense is feasible, practical, and affordable.

(2) Whether any of the existing boost-phase missile defense technology demonstration efforts of the Department of Defense (particularly the Airborne Laser and the Kinetic Energy Interceptor) have a high probability of performing a boost-phase missile defense mission in an operationally effective, suitable, survivable, and affordable manner.

(c) FACTORS TO BE CONSIDERED.—In conducting the assessment required by subsection (a), the factors considered by the National Academy of Sciences shall include, but not be limited to, the following:

(1) Operational considerations, including the need and ability to be deployed in a particular operational position at a particular time to be effective.

(2) Geographic considerations, including limitations on the ability to deploy systems within operational range of potential targets.

(3) Command and control considerations, including short timelines for detection, decision-making, and engagement.

(4) Concepts of operations.

(5) Whether there is a potential for an engaged threat missile or warhead to land on an unintended target outside of the launching nation.

(6) Effectiveness against countermeasures, and mission effectiveness in destroying threat missiles and their warheads.

(7) Reliability, availability, and maintainability.

(8) Cost and cost-effectiveness.

(9) Force structure requirements.

(d) REPORT.—

(1) IN GENERAL.—Upon the completion of the assessment required by subsection (a), the National Academy of Sciences shall submit to the Secretary of Defense and the congressional defense committees a report on the results of the assessment. The report shall include such recommendations regarding the future direction of the boost-phase ballistic missile defense programs of the United States as the Academy considers appropriate.

(2) FORM.—The report under paragraph (1) shall be submitted to the congressional defense committees in unclassified form, but may include a classified annex.

(e) FUNDING.—Of the amount authorized to be appropriated for fiscal year 2009 by section 201(4) for research, development, test, and evaluation for Defense-wide activities and available for the Missile Defense Agency, $3,500,000 is available for the assessment required by subsection (a).

SEC. 236. STUDY ON SPACE-BASED INTERCEPTOR ELEMENT OF BALLISTIC MISSILE DEFENSE SYSTEM.

(a) IN GENERAL.—Not later than 75 days after the date of the enactment of this Act, the Secretary of Defense shall, after consultation with the chair and ranking member of the Committee on Armed Services of the Senate and of the Committee on Armed Services of the House of Representatives, enter into a contract with one or more independent entities under which the entity or entities shall conduct an independent assessment of the feasibility and advisability of developing a space-based interceptor element to the ballistic missile defense system.

(b) ELEMENTS.—The study required under subsection (a) shall include the following:

(1) An assessment of the need for a space-based interceptor element to the ballistic missile defense system, including an assessment of—

(A) the extent to which there is a ballistic missile threat that—

(i) such a space-based interceptor element would address; and

(ii) other elements of the ballistic missile defense system would not address;

(B) whether other elements of the ballistic missile defense system could be modified to meet the threat described in subparagraph (A) and the modifications necessary for such elements to meet that threat; and

(C) any other alternatives to the development of such a space-based interceptor element.

(2) An assessment of the components and capabilities and the maturity of critical technologies necessary to make such a space-based interceptor element operational.

(3) An estimate of the total cost for the life cycle of such a space-based interceptor element, including the costs of research, development, demonstration, procurement, deployment, and launching of the element.

(4) An assessment of the effectiveness of such a space-based interceptor element in intercepting ballistic missiles and the survivability of the element in case of attack.

(5) An assessment of possible debris generated from the use or testing of such a

space-based interceptor element and any effects of such use or testing on other space systems.

(6) An assessment of any treaty or policy implications of the development or deployment of such a space-based interceptor element.

(7) An assessment of any command, control, or battle management considerations of using such a space-based interceptor element, including estimated timelines for the detection of ballistic missiles, decision-making with respect to the use of the element, and interception of the missile by the element.

(c) REPORT.—

(1) SUBMITTAL.—Upon completion of the independent assessment required under subsection (a), the entity or entities conducting the assessment shall submit contemporaneously to the Secretary of Defense, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives a report setting forth the results of the assessment.

(2) COMMENTS.—Not later than 60 days after the date on which the Secretary of Defense receives the report required under paragraph (1), the Secretary may submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives any comments on the report or any recommendations of the Secretary resulting from the report.

(3) FORM.—The report required under paragraph (1) and any comments and recommendations submitted under paragraph (2) shall be submitted in unclassified form, but may include a classified annex.

(d) FUNDING.—Of the amount authorized to be appropriated for fiscal year 2009 by section 201(4) for research, development, test, and evaluation for Defense-wide activities and available for the Missile Defense Agency, $5,000,000 shall be available to carry out the study required under subsection (a).

SEC. 237. ACTIVATION AND DEPLOYMENT OF AN/TPY–2 FORWARD-BASED X-BAND RADAR.

(a) AVAILABILITY OF FUNDS.—Subject to subsection (b), of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, up to $89,000,000 may be available for Ballistic Missile Defense Sensors for the activation and deployment of the AN/TPY–2 forward-based X-band radar to a classified location.

(b) LIMITATION.—

(1) IN GENERAL.—Funds may not be available under subsection (a) for the purpose specified in that subsection until the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a report on the deployment of the AN/TPY–2 forward-based X-band radar as described in that subsection, including:

(A) The location of deployment of the radar.

(B) A description of the operational parameters of the deployment of the radar, including planning for force protection.

(C) A description of any recurring and nonrecurring expenses associated with the deployment of the radar.

(D) A description of the cost-sharing arrangements between the United States and the country in which the radar will be deployed regarding the expenses described in subparagraph (C).

(E) A description of the other terms and conditions of the agreement between the United States and such country regarding the deployment of the radar.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

Subtitle D—Other Matters

SEC. 251. MODIFICATION OF SYSTEMS SUBJECT TO SURVIVABILITY TESTING BY THE DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

(a) AUTHORITY TO DESIGNATE ADDITIONAL SYSTEMS AS MAJOR SYSTEMS AND PROGRAMS SUBJECT TO TESTING.—Section 2366(e)(1) of title 10, United States Code, is amended by striking ''or conventional weapon system'' and inserting ''conventional weapon system, or other system or program designated by the Director of Operational Test and Evaluation for purposes of this section''.

(b) FORCE PROTECTION EQUIPMENT.—Section 139(b) of such title is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively.

SEC. 252. BIENNIAL REPORTS ON JOINT AND SERVICE CONCEPT DEVELOPMENT AND EXPERIMENTATION.

(a) IN GENERAL.—Section 485 of title 10, United States Code, is amended to read as follows:

''§ 485. Joint and service concept development and experimentation

''(a) BIENNIAL REPORTS REQUIRED.—Not later than January 1 of each even numbered-year, the Commander of the United States Joint Forces Command shall submit to the congressional defense committees a report on the conduct and outcomes of joint and service concept development and experimentation.

''(b) MATTERS TO BE INCLUDED.—Each report under subsection (a) shall include the following:

''(1) A description of any changes since the latest report submitted under this section to each of the following:

''(A) The authority and responsibilities of the Commander of the United States Joint Forces Command with respect to joint concept development and experimentation.

''(B) The organization of the Department of Defense responsible for executing the mission of joint concept development and experimentation.

''(C) The process for tasking forces (including forces designated as joint experimentation forces) to participate in joint concept development and experimentation and the specific authority of the Commander over those forces.

''(D) The resources provided for initial implementation of joint concept development and experimentation, the process for providing such resources to the Commander, the categories of funding for joint concept development and experimentation, and the authority of the Commander for budget execution for joint concept development and experimentation activities.

''(E) The process for the development and acquisition of materiel, supplies, services, and equipment necessary for the conduct of joint concept development and experimentation.

''(F) The process for designing, preparing, and conducting joint concept development and experimentation.

''(G) The assigned role of the Commander for—

''(i) integrating and testing in joint concept development and experimentation the systems that emerge from warfighting experimentation by the armed forces and the Defense Agencies;

''(ii) assessing the effectiveness of organizational structures, operational concepts, and technologies relating to joint concept development and experimentation; and

''(iii) assisting the Secretary of Defense and the Chairman of the Joint Chiefs of Staff in setting priorities for requirements or acquisition programs in light of joint concept development and experimentation.

''(2) A description of the conduct of joint concept development and experimentation activities during the two-year period ending on the date of such report, including—

''(A) the funding involved;

''(B) the number of activities engaged in;

''(C) the forces involved;

''(D) the national and homeland security challenges addressed;

''(E) the operational concepts assessed;

''(F) the technologies assessed;

''(G) the scenarios and measures of effectiveness utilized; and

''(H) specific interactions under such activities with commanders of other combatant commands and with other organizations and entities inside and outside the Department.

''(3) A description of the conduct of concept development and experimentation activities of the military departments during the two-year period ending on the date of such report, including—

''(A) the funding involved;

''(B) the number of activities engaged in;

''(C) the forces involved;

''(D) the national and homeland security challenges addressed;

''(E) the operational concepts assessed;

''(F) the technologies assessed;

''(G) the scenarios and measures of effectiveness utilized; and

''(H) specific interactions under such activities with commanders of the combatant commands and with other organizations and entities inside and outside the Department.

''(4) A description of the conduct of joint concept development and experimentation, and of concept development and experimentation of the military departments, during the two-year period ending on the date of such report with respect to the development of warfighting concepts for operational scenarios more than 10 years in the future, including—

''(A) the funding involved;

''(B) the number of activities engaged in;

''(C) the forces involved;

''(D) the challenges addressed;

''(E) the operational concepts assessed;

''(F) the technologies assessed;

''(G) the scenarios and measures of effectiveness utilized; and

''(H) specific interactions with commanders of other combatant commands and with other organizations and entities inside and outside the Department.

''(5) A description of the mechanisms used to coordinate joint, service, interagency, Coalition, and other appropriate concept development and experimentation activities.

''(6) An assessment of the return on investment in concept development and experimentation activities, including a description of the following:

''(A) Specific outcomes and impacts within the Department of the results of past joint and service concept development and experimentation in terms of new doctrine, operational concepts, organization, training, materiel, leadership, personnel, or the allocation of resources, or in activities that terminated support for legacy concepts, programs, or systems.

''(B) Specific actions taken by the Secretary of Defense to implement the recommendations of the Commander based on concept development and experimentation activities.

''(7) Such recommendations (based primarily based on the results of joint and service concept development and experimentation) as the Commander considers appropriate for enhancing the development of joint warfighting capabilities by modifying

activities throughout the Department relating to—

''(A) the development or acquisition of specific advanced technologies, systems, or weapons or systems platforms;

''(B) key systems attributes and key performance parameters for the development or acquisition of advanced technologies and systems;

''(C) joint or service doctrine, organization, training, materiel, leadership development, personnel, or facilities;

''(D) the reduction or elimination of redundant equipment and forces, including the synchronization of the development and fielding of advanced technologies among the armed forces to enable the development and execution of joint operational concepts; and

''(E) the development or modification of initial capabilities documents, operational requirements, and relative priorities for acquisition programs to meet joint requirements.

''(8) With respect to improving the effectiveness of joint concept development and experimentation capabilities, such recommendations (based primarily on the results of joint warfighting experimentation) as the Commander considers appropriate regarding—

''(A) the conduct of, adequacy of resources for, or development of technologies to support such capabilities; and

''(B) changes in authority for acquisition of materiel, supplies, services, equipment, and support from other elements of the Department of Defense for concept development and experimentation by joint or service organizations.

''(9) The coordination of the concept development and experimentation activities of the Commander of the United States Joint Forces Command with the activities of the Commander of the North Atlantic Treaty Organization Supreme Allied Command Transformation.

''(10) Any other matters that the Commander consider appropriate.

''(c) COORDINATION AND SUPPORT.—The Secretary of Defense shall ensure that the Secretaries of the military departments and the heads of other appropriate elements of the Department of Defense provide the Commander of the United States Joint Forces Command such information and support as is required to enable the Commander to prepare the reports required by subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of such title is amended by striking the item relating to section 485 and inserting the following new item:

''485. Joint and service concept development and experimentation.''.

SEC. 253. REPEAL OF ANNUAL REPORTING REQUIREMENT RELATING TO THE TECHNOLOGY TRANSITION INITIATIVE.

Section 2359a of title 10, United States Code, is amended—

(1) by striking subsection (h); and

(2) by redesignating subsection (i) as subsection (h).

SEC. 254. EXECUTIVE AGENT FOR PRINTED CIRCUIT BOARD TECHNOLOGY.

(a) EXECUTIVE AGENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall designate a senior official of the Department of Defense to act as the Executive Agent of the Department of Defense for printed circuit board technology.

(b) SPECIFICATION OF ROLES, RESPONSIBILITIES, AND AUTHORITIES.—The roles, responsibilities, and authorities of the Executive Agent designated under subsection (a) shall be as described in a directive issued by the Secretary of Defense for purposes of this section not later than one year after the date of the enactment of this Act.

(c) PARTICULAR ROLES AND RESPONSIBILITIES.—The roles and responsibilities described under subsection (b) for the Executive Agent designated under subsection (a) shall include the following:

(1) To develop and maintain a printed circuit board and interconnect technology roadmap that assures that the Department of Defense has access to manufacturing capabilities and expertise and technological capabilities necessary to meet future military requirements.

(2) To develop and recommend to the Secretary of Defense funding strategies that meet the recapitalization and investment requirements of the Department for printed circuit board and interconnect technology, which strategies shall be consistent with the roadmap developed under paragraph (1).

(3) To assure that continuing expertise in printed circuit board technical is available to the Department.

(4) To assess the vulnerabilities, trustworthiness, and diversity of the printed circuit board supply chain, including the development of trustworthiness requirements for printed circuit boards used in defense systems, and to develop strategies to address matters in that supply chain that are identified as a result of such assessment.

(5) To support technical assessments and analyses, especially with respect to acquisition decisions and planning, relating to printed circuit boards

(6) Such other roles and responsibilities as the Secretary considers appropriate.

(d) RESOURCES AND AUTHORITIES.—The Secretary of Defense shall ensure that the Executive Agent designated under subsection (a) has the appropriate resources and authorities to perform the roles and responsibilities of the Executive Agent under this section.

(e) SUPPORT WITHIN DEPARTMENT OF DEFENSE.—The Secretary of Defense shall ensure that the Executive Agent designated under subsection (a) has such support from the military departments, Defense Agencies, and other components of the Department of Defense as is required for the Executive Agent to perform the roles and responsibilities of the Executive Agent under this section.

SEC. 255. REPORT ON DEPARTMENT OF DEFENSE RESPONSE TO FINDINGS AND RECOMMENDATIONS OF THE DEFENSE SCIENCE BOARD TASK FORCE ON DIRECTED ENERGY WEAPONS.

(a) REPORT REQUIRED.—Not later than January 1, 2010, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the implementation of the recommendations of the Defense Science Board Task Force on Directed Energy Weapons.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An analysis of each of the findings and recommendations of the Defense Science Board Task Force on Directed Energy Weapons.

(2) A detailed description of the response of the Department of Defense to each finding and recommendation of the Task Force, including—

(A) for each recommendation that is being implemented or that the Secretary plans to implement—

(i) a summary of actions that have been taken to implement such recommendation; and

(ii) a schedule, with specific milestones, for completing the implementation of such recommendation; and

(B) for each recommendation that the Secretary does not plan to implement—

(i) the reasons for the decision not to implement such recommendation; and

(ii) a summary of the alternative actions, if any, the Secretary plans to take to address the purposes underlying such recommendation, if any.

(3) A summary of any additional actions, if any, the Secretary plans to take to address concerns raised by the Task Force, if any.

SEC. 256. ASSESSMENT OF STANDARDS FOR MISSION CRITICAL SEMICONDUCTORS PROCURED BY THE DEPARTMENT OF DEFENSE.

(a) ASSESSMENT OF METHODS FOR VERIFICATION OF TRUST OF SEMICONDUCTORS PROCURED FROM COMMERCIAL SOURCES.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall conduct an assessment of various methods for verification of trust of the semiconductors procured by the Department of Defense from commercial sources for utilization in mission critical components of potentially vulnerable defense systems.

(b) ELEMENTS.—The assessment required by subsection (a) shall include the following:

(1) An identification of various existing methods for verification of trust of semiconductors that are suitable for Department of Defense purposes as described in subsection (a).

(2) An identification of various methods for verification of trust of semiconductors that are currently under development and have promise for suitability for Department of Defense purposes as described in subsection (a), including methods under development at the Defense Agencies, the national laboratories, and institutions of higher education, and in the private sector.

(3) A determination of the most suitable methods identified under paragraphs (1) and (2) for Department of Defense purposes as described in subsection (a).

(4) An assessment of additional research and technology development efforts necessary to develop methods for verification of trust of semiconductors to meet the needs of the Department of Defense.

(5) Any other matters that the Under Secretary considers appropriate for the verification of trust of semiconductors from commercial sources for utilization in mission critical components of any category or categories of vulnerable defense systems.

(c) CONSULTATION.—The Under Secretary shall conduct the assessment required by subsection (a) in consultation with appropriate elements of the Department of Defense, the intelligence community, private industry, and academia.

(d) EFFECTIVE DATE.—The assessment required by subsection (a) shall be completed not later than December 31, 2009.

(e) UPDATE.—The Under Secretary shall from time to time update the assessment required by subsection (a) to take into account advances in technology.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense, for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $31,282,460,000.

(2) For the Navy, $34,811,598,000.

(3) For the Marine Corps, $5,607,354,000.

(4) For the Air Force, $35,244,587,000.

(5) For Defense-wide activities, $25,926,564,000.

(6) For the Army Reserve, $2,642,641,000.

(7) For the Navy Reserve, $1,311,085,000.
(8) For the Marine Corps Reserve, $213,131,000.
(9) For the Air Force Reserve, $3,142,892,000.
(10) For the Army National Guard, $5,909,846,000.
(11) For the Air National Guard, $5,883,926,000.
(12) For the United States Court of Appeals for the Armed Forces, $13,254,000.
(13) For Environmental Restoration, Army, $447,776,000.
(14) For Environmental Restoration, Navy, $290,819,000.
(15) For Environmental Restoration, Air Force, $496,277,000.
(16) For Environmental Restoration, Defense-wide, $13,175,000.
(17) For Environmental Restoration, Formerly Used Defense Sites, $257,796,000.
(18) For Overseas Humanitarian, Disaster and Civic Aid programs, $83,273,000.
(19) For Cooperative Threat Reduction programs, $434,135,000.
(20) For Overseas Contingency Operations Transfer Fund, $9,101,000.

Subtitle B—Environmental Provisions

SEC. 311. EXPANSION OF COOPERATIVE AGREEMENT AUTHORITY FOR MANAGEMENT OF NATURAL RESOURCES TO INCLUDE OFF-INSTALLATION MITIGATION.

Section 103a(a) of the Sikes Act (16 U.S.C. 670c–1(a)) is amended by striking ''to provide for the maintenance and improvement'' and all that follows through the period at the end and inserting the following: ''to provide for one or both of the following:

''(1) The maintenance and improvement of natural resources on, or to benefit natural and historic research on, Department of Defense installations.

''(2) The maintenance and improvement of natural resources outside of Department of Defense installations if the purpose of the cooperative agreement is to relieve or eliminate current or anticipated challenges that could restrict, impede, or otherwise interfere, whether directly or indirectly, with current or anticipated military activities.''.

SEC. 312. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH MOSES LAKE WELLFIELD SUPERFUND SITE, MOSES LAKE, WASHINGTON.

(a) AUTHORITY TO REIMBURSE.—

(1) TRANSFER AMOUNT.—Using funds described in subsection (b), the Secretary of Defense may, notwithstanding section 2215 of title 10, United States Code, transfer not more than $64,049.40 to the Moses Lake Wellfield Superfund Site 10–6J Special Account.

(2) PURPOSE OF REIMBURSEMENT.—The payment under paragraph (1) is to reimburse the Environmental Protection Agency for its costs incurred in overseeing a remedial investigation/feasibility study performed by the Department of the Army under the Defense Environmental Restoration Program at the former Larson Air Force Base, Moses Lake Superfund Site, Moses Lake, Washington.

(3) INTERAGENCY AGREEMENT.—The reimbursement described in paragraph (2) is provided for in the interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Moses Lake Wellfield Superfund Site in March 1999.

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(17) for operation and maintenance for Environmental Restoration, Formerly Used Defense Sites.

(c) USE OF FUNDS.—The Environmental Protection Agency shall use the amount transferred under subsection (a) to pay costs incurred by the Agency at the Moses Lake Wellfield Superfund Site.

SEC. 313. COMPREHENSIVE PROGRAM FOR THE ERADICATION OF THE BROWN TREE SNAKE POPULATION FROM MILITARY FACILITIES IN GUAM.

The Secretary of Defense shall establish a comprehensive program to control and, to the extent practicable, eradicate the brown tree snake population from military facilities in Guam and to ensure that military activities, including the transport of civilian and military personnel and equipment to and from Guam, do not contribute to the spread of brown tree snakes.

Subtitle C—Workplace and Depot Issues

SEC. 321. AUTHORITY TO CONSIDER DEPOT-LEVEL MAINTENANCE AND REPAIR USING CONTRACTOR FURNISHED EQUIPMENT OR LEASED FACILITIES AS CORE LOGISTICS.

Section 2474 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(h) CONSIDERATION OF DEPOT LEVEL MAINTENANCE AND REPAIR USING CONTRACTOR FURNISHED EQUIPMENT OR LEASED FACILITIES AS CORE LOGISTICS.—Depot-level maintenance and repair work performed at a Center of Industrial and Technical Excellence by Federal Government employees using equipment furnished by contractors or by Federal Government employees utilizing facilities leased by the Government may be considered as workload necessary to maintain core logistics capability for purposes of section 2464 of this title if the depot-level maintenance and repair workload is the subject of a public-private partnership entered into pursuant to subsection (b).''.

SEC. 322. MINIMUM CAPITAL INVESTMENT FOR CERTAIN DEPOTS.

(a) ADDITIONAL ARMY DEPOTS.—Subsection (e)(1) of section 2476 of title 10, United States Code, is amended by adding at the end the following new subparagraphs:

''(F) Watervliet Arsenal, New York.
''(G) Rock Island Arsenal, Illinois.
''(H) Pine Bluff Arsenal, Arkansas.''.

(b) SEPARATE CONSIDERATION AND REPORTING OF NAVY DEPOTS AND MARINE CORPS DEPOTS.—Such section is further amended—

(1) in subsection (d)(2), by adding at the end the following new subparagraph:

''(D) Separate consideration and reporting of Navy Depots and Marine Corps depots.''; and

(2) in subsection (e)(2)—

(A) by redesignating subparagraphs (A) through (G) as clauses (i) through (vii), respectively, and indenting the margins of such clauses, as so redesignated, 6 ems from the left margin;

(B) by inserting after ''Department of the Navy:'' the following:

''(A) The following Navy depots:'';

(C) by inserting after clause (vii), as redesignated by subparagraph (A), the following:

''(B) The following Marine Corps depots:''; and

(D) by redesignating subparagraphs (H) and (I) as clauses (i) and (ii), respectively, and indenting the margins of such clauses, as so redesignated, 6 ems from the left margin.

Subtitle D—Reports

SEC. 331. ADDITIONAL INFORMATION UNDER ANNUAL SUBMISSIONS OF INFORMATION REGARDING INFORMATION TECHNOLOGY CAPITAL ASSETS.

Section 351 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2516; 10 U.S.C. 221 note) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''$30,000,000 and an estimated total life cycle cost'' and inserting ''$30,000,000 or an estimated total life cycle cost''; and

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

''(3) Information technology capital assets not covered by paragraphs (1) and (2) that have been determined by the Chief Information Officer of the Department of Defense to be significant investments.'';

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following new subsection (d):

''(d) REQUIRED INFORMATION FOR SIGNIFICANT INVESTMENTS.—With respect to each information technology capital asset not covered by paragraph (1) or (2) of subsection (a), but covered by paragraph (3) of that subsection, the Secretary of Defense shall include such information in a format that is appropriate to the current status of such asset.''.

Subtitle E—Other Matters

SEC. 341. MITIGATION OF POWER OUTAGE RISKS FOR DEPARTMENT OF DEFENSE FACILITIES AND ACTIVITIES.

(a) RISK ASSESSMENT.—The Secretary of Defense shall conduct a comprehensive technical and operational risk assessment of the risks posed to mission critical installations, facilities, and activities of the Department of Defense by extended power outages resulting from failure of the commercial electricity grid and related infrastructure.

(b) RISK MITIGATION PLANS.—

(1) IN GENERAL.—The Secretary of Defense shall develop integrated prioritized plans to eliminate, reduce, or mitigate significant risks identified in the risk assessment under subsection (a).

(2) MITIGATION GOALS.—In developing the risk mitigation plans under paragraph (1), the Secretary of Defense shall prioritize the mission critical installations, facilities, and activities that are subject to the greatest and most urgent risks.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—The Secretary of Defense shall submit a report on the efforts of the Department of Defense to mitigate the risks described in subsection (a) as part of the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2010 and each fiscal year thereafter (as submitted with the budget of the President under section 1105(a) of title 31, United States Code).

(2) CONTENT.—Each report submitted under paragraph (1) shall describe the integrated prioritized plans developed under subsection (b) and the progress made toward achieving the goals established under such subsection.

SEC. 342. INCREASED AUTHORITY TO ACCEPT FINANCIAL AND OTHER INCENTIVES RELATED TO ENERGY SAVINGS AND NEW AUTHORITY RELATED TO ENERGY SYSTEMS.

(a) ENERGY SAVINGS.—Section 2913(c) of title 10, United States Code, is amended by inserting ''or a State or local government'' after ''gas or electric utility''.

(b) ENERGY SYSTEMS.—Section 2915 of such title is amended by adding at the end the following new subsection:

''(f) ACCEPTANCE OF FINANCIAL INCENTIVES, FINANCIAL ASSISTANCE, AND SERVICES.—The Secretary of Defense may authorize any military installation to accept any financial incentive, financial assistance, or services generally available from a gas or electric utility or State or local government to use or construct an energy system using solar energy or other renewable form of energy if the use or construction of the system is consistent with the energy performance goals and energy performance plan for the Department of Defense developed under section 2911 of this title.''.

SEC. 343. RECOVERY OF IMPROPERLY DISPOSED OF DEPARTMENT OF DEFENSE PROPERTY.

(a) IN GENERAL.—Chapter 165 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2790. Recovery of improperly disposed of Department of Defense property

''(a) PROHIBITION.—No member of the armed forces, civilian employee of the United States Government, contractor personnel, or other person may sell, lend, pledge, barter, or give any clothing, arms, articles, equipment, or other military or Department of Defense property except in accordance with the statutes and regulations governing Government property.

''(b) TRANSFER OF TITLE OR INTEREST INEFFECTIVE.—If property has been disposed of in violation of subsection (a), the person holding the property has no right or title to, or interest in, the property.

''(c) AUTHORITY FOR SEIZURE OF IMPROPERLY DISPOSED OF PROPERTY.—If any person is in the possession of military or Department of Defense property without right or title to, or interest in, the property because it has been disposed of in violation of subsection (a), any Federal, State, or local law enforcement official may seize the property wherever found.

''(d) INAPPLICABILITY TO CERTAIN PROPERTY.—Subsections (b) and (c) shall not apply to property on public display by public or private collectors or museums in secured exhibits.

''(e) DETERMINATIONS OF VIOLATIONS.—(1) The appropriate district court of the United States shall have jurisdiction, regardless of the current approximated or estimated value of the property, to determine whether property was disposed of in violation of subsection (a). Any such determination shall be by a preponderance of the evidence.

''(2) In the case of property, the possession of which could undermine national security or create a hazard to public health or safety, the determination under paragraph (1) may be made after the seizure of the property. If the person from whom the property is seized is found to have been lawfully in possession of the property and the return of the property could undermine national security or create a hazard to public health or safety, the Secretary of Defense shall reimburse the person for the fair value for the property.

''(f) DELIVERY OF SEIZED PROPERTY.—Any law enforcement official who seizes property under subsection (c) and is not authorized to retain it for the United States shall deliver the property to an authorized member of the armed forces or other authorized official of the Department of Defense or the Department of Justice.

''(g) RETROACTIVE ENFORCEMENT AUTHORIZED.—This section shall apply to any military or Department of Defense property that is disposed of on or after January 1, 2002, in a manner that is not in accordance with statutes and regulations governing Government property in effect at the time of the disposal of the property.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 165 of such title is amended by inserting the following new item:

''2790. Recovery of improperly disposed of Department of Defense property.''.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2009, as follows:

(1) The Army, 532,400.
(2) The Navy, 325,300.
(3) The Marine Corps, 194,000.
(4) The Air Force, 316,771.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2009, as follows:

(1) The Army National Guard of the United States, 352,600.
(2) The Army Reserve, 205,000.
(3) The Navy Reserve, 66,700.
(4) The Marine Corps Reserve, 39,600.
(5) The Air National Guard of the United States, 106,756.
(6) The Air Force Reserve, 67,400.
(7) The Coast Guard Reserve, 10,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2009, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 29,950.
(2) The Army Reserve, 16,170.
(3) The Navy Reserve, 11,099.
(4) The Marine Corps Reserve, 2,261.
(5) The Air National Guard of the United States, 14,360.
(6) The Air Force Reserve, 2,733.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2009 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 8,395.
(2) For the Army National Guard of the United States, 27,210.
(3) For the Air Force Reserve, 10,003.
(4) For the Air National Guard of the United States, 22,459.

SEC. 414. FISCAL YEAR 2009 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2009, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.
(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2009, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2009, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term ''non-dual status technician'' has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2009, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.
(2) The Army Reserve, 13,000.
(3) The Navy Reserve, 6,200.
(4) The Marine Corps Reserve, 3,000.
(5) The Air National Guard of the United States, 16,000.
(6) The Air Force Reserve, 14,000.

SEC. 416. 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.

(a) RESERVES ON ACTIVE DUTY IN SUPPORT OF ARMY NATIONAL GUARD AND ARMY RESERVE.—Notwithstanding the limitations specified in section 412 and subject to the provisions of this section, the number of Reserves authorized as of September 30, 2009, to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for purposes of organizing, administering, recruiting, instructing, or training the reserve components shall be the number as follows:

(1) In the case of the Army National Guard of the United States, the number authorized by section 412(1), plus an additional 2,110 Reserves.

(2) In the case of the Army Reserve, the number authorized by section 412(2), plus an additional 91 Reserves.

(b) MILITARY TECHNICIANS (DUAL STATUS) OF ARMY NATIONAL GUARD.—Notwithstanding the limitation specified in section 413(2) and subject to the provisions of this section, the minimum number of military technicians (dual status) as of September 30, 2009, for the Army National Guard of the United States (notwithstanding section 129 of title 10, United States Code) shall be the number otherwise specified in section 413(2), plus such additional number, not to exceed 1,170, military technicians (dual status) as the Secretary of the Army considers appropriate.

(c) ASSIGNMENT OF PERSONNEL UNDER ADDITIONAL END STRENGTHS.—Any personnel on duty or service under the additional end strengths authorized by subsection (a) or (b) may only be assigned to units of company size or below.

(d) FUNDING.—The costs of any personnel under the additional end strengths authorized by subsection (a) or (b) shall be paid from funds authorized to be appropriated for fiscal year 2009 by titles XV and XVI.

SEC. 417. MODIFICATION OF AUTHORIZED STRENGTHS FOR MARINE CORPS RESERVE OFFICERS ON ACTIVE DUTY IN THE GRADES OF MAJOR AND LIEUTENANT COLONEL TO MEET NEW FORCE STRUCTURE REQUIREMENTS.

(a) AUTHORIZED STRENGTHS FOR MAJORS.—The table in section 12011(a)(1) of title 10, United States Code, is amended by striking the numbers in the column relating to ''Major'' in the items relating to the Marine Corps Reserve and inserting the following new numbers:

''99
''103
''107
''111
''114
''117
''120
''123
''126
''129
''132
''134
''136
''138
''140
''142''.

(b) AUTHORIZED STRENGTHS FOR LIEUTENANT COLONELS.—The table in section 12011(a)(1) of such title is further amended by striking the numbers in the column relating to ''Lieutenant Colonel'' in the items relating to the Marine Corps Reserve and inserting the following new numbers:

''63
''67
''70
''73
''76
''79
''82
''85
''88
''91
''94
''97
''100
''103
''106
''109''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2009 for the Department of Defense for military personnel amounts as follows:

(1) For military personnel, $114,152,040,000.

(2) For contributions to the Medicare-Eligible Retiree Health Fund, $10,350,593,000.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2009.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. MODIFICATION OF DISTRIBUTION REQUIREMENTS FOR COMMISSIONED OFFICERS ON ACTIVE DUTY IN GENERAL AND FLAG OFFICER GRADES.

(a) INCREASE IN NUMBER OF OFFICERS SERVING IN GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.—Subsection (b) of section 525 of title 10, United States Code, is amended by striking ''16.3 percent'' each place it appears in paragraphs (1) and (2)(A) and inserting ''16.4 percent''.

(b) EXCLUSION OF CERTAIN RESERVE OFFICERS.—Such section is further amended by adding at the end the following new subsection:

''(g) The limitations of this section do not apply to a reserve general or flag officer who is on active duty under a call or order to active duty specifying a period of active duty of not longer than three years.''.

SEC. 502. MODIFICATION OF LIMITATIONS ON AUTHORIZED STRENGTHS OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.

(a) GENERAL LIMITATIONS.—Subsection (a) of section 526 of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

''(1) For the Army, 222.
''(2) For the Navy, 159.
''(3) For the Air Force, 206.
''(4) For the Marine Corps, 59.''.

(b) LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS.—Subsection (b) of such section is amended to read as follows:

''(b) LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS.—(1) The Secretary of Defense may designate up to 324 general officer and flag officer positions that are joint duty assignments for the purposes of chapter 38 of this title for exclusion from the limitations in subsection (a). Officers in positions so designated shall not be counted for the purposes of those limitations.

''(2) Unless the Secretary of Defense determines that a lower number is in the best interests of the nation, the minimum number of officers serving in positions designated under paragraph (1) for each armed force shall be as follows:

''(A) For the Army, 85.
''(B) For the Navy, 61.
''(C) For the Air Force, 76.
''(D) For the Marine Corps, 21.''.

(c) TEMPORARY EXCLUSION FOR CERTAIN TEMPORARY BILLETS.—Such section is further amended by inserting after subsection (b), as amended by subsection (b) of this section, the following new subsection:

''(c) TEMPORARY EXCLUSION FOR ASSIGNMENT TO CERTAIN TEMPORARY BILLETS.—(1) The limitations in subsection (a) do not apply to a general or flag officer assigned to a temporary joint duty assignment billet designated by the Secretary of Defense for purposes of this section.

''(2) A general or flag officer assigned to a temporary joint duty assignment as described in paragraph (1) may not be excluded under this subsection from the limitations in subsection (a) for a period longer than one year.''.

(d) CONFORMING REPEAL OF LIMITATION ON NUMBER OF GENERAL AND FLAG OFFICERS WHO MAY SERVE IN POSITIONS OUTSIDE THEIR OWN SERVICE.—

(1) REPEAL.—Section 721 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by striking the item relating to section 721.

(e) ACQUISITION AND CONTRACTING BILLETS.—The Secretary of Defense, the Secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, and the chiefs of staff of the Armed Forces shall take appropriate actions to ensure that—

(1) not less than 12 percent of all general officers and flag officers in the Armed Forces generally, and in each Armed Force (as applicable), serve in an acquisition position; and

(2) not less than 10 percent of all general officers and flag officers in the Armed Forces generally, and in each Armed Force (as applicable), who serve in an acquisition position have significant contracting experience.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on January 1, 2010.

SEC. 503. CLARIFICATION OF JOINT DUTY REQUIREMENTS FOR PROMOTION TO GENERAL OR FLAG GRADES.

(a) IN GENERAL.—Subsection (a) of section 619a of title 10, United States Code, is amended by striking ''unless—'' and all that follows and inserting ''unless the officer has been designated as a joint qualified officer in accordance with section 661 of this title.''.

(b) EXCEPTIONS.—Subsection (b) of such section is amended—

(1) in the matter preceding paragraph (1), by striking ''paragraph (1) or paragraph (2) of subsection (a), or both paragraphs (1) and (2) of subsection (a),'' and inserting ''subsection (a)''; and

(2) in paragraph (4), by striking ''if the officer's'' and all that follows and inserting ''if—

''(A) the officer's total consecutive years in joint duty assignments is not less than two years; and

''(B) the officer has successfully completed a program of education meeting the requirements for Phase II joint professional military education under subsections (b) and (c) of section 2155 of this title''.

(c) REPEAL OF SPECIAL RULE FOR NUCLEAR PROPULSION OFFICERS.—Such section is further amended by striking subsection (h).

(d) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 619a. Eligibility for consideration for promotion: joint qualified officer designation required for promotion to general or flag grade; exceptions''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 36 of such title is amended by striking the item relating to section 619a and inserting the following new item:

''619a. Eligibility for consideration for promotion: joint qualified officer designation required for promotion to general or flag grade; exceptions.''.

SEC. 504. MODIFICATION OF AUTHORITIES ON LENGTH OF JOINT DUTY ASSIGNMENTS.

(a) SERVICE EXCLUDABLE FROM TOUR LENGTH REQUIREMENTS.—Subsection (d) of section 664 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking subparagraph (D) and inserting the following new subparagraph (D):

''(D) a qualifying reassignment from a joint duty assignment—

''(i) for unusual personal reasons (including extreme hardship and medical conditions) beyond the control of the officer or the armed forces; or

''(ii) to another joint duty assignment immediately after—

''(I) the officer was promoted to a higher grade, if the reassignment was made because no joint duty assignment was available within the same organization that was commensurate with the officer's new grade; or

''(II) the officer's position was eliminated in a reorganization.''; and

(2) by striking paragraph (3) and inserting the following new paragraph (3):

''(3) Service in a joint duty assignment in a case in which the officer's tour of duty in that assignment brings the officer's accrued service for purposes of subsection (f)(3) to the applicable standard prescribed in subsection (a).''.

(b) EXCLUSIONS OF SERVICE FROM COMPUTING AVERAGE TOUR LENGTHS.—Subsection (e) of such section is amended by striking paragraph (2) and inserting the following new paragraph (2):

''(2) In computing the average length of joint duty assignments for purposes of paragraph (1), the Secretary may exclude the following service:

''(A) Service described in subsection (c).

''(B) Service described in subsection (d).

''(C) Service described in subsection (f)(6).''.

(c) SERVICE CONTRIBUTING TOWARD FULL TOUR OF DUTY.—Subsection (f) of such section is amended—

(1) by striking paragraph (3) and inserting the following new paragraph (3):

''(3) Accrued joint experience in joint duty assignments as described in subsection (g).'';

(2) in paragraph (4), by striking ''(except that'' and all that follows through ''at any time)''; and

(3) by striking paragraph (6) and inserting the following new paragraph (6):

''(6) Any subsequent joint duty assignment that is less than the period required under subsection (a), but not less than two years.''.

(d) ACCRUAL OF JOINT EXPERIENCE.—Subsection (g) of such section is amended to read as follows:

''(g) ACCRUED JOINT EXPERIENCE.—Accrued joint experience that may be aggregated to equal a full tour of duty for purposes of subsection (f)(3) shall include such temporary duty in joint assignments, joint individual training, and participation in joint exercises, and for such periods, as shall be prescribed in regulations by the Secretary of Defense in consultation with the advice of the Chairman of the Joint Chiefs of Staff.''.

(e) CONSTRUCTIVE CREDIT.—Subsection (h) of such section is amended—

(1) in paragraph (1)—

(A) by striking ''accord'' and inserting ''award''; and

(B) by striking ''(f)(4), or (g)(2)'' and inserting ''or (f)(4)''; and

(2) by striking paragraph (3).

(f) REPEAL OF JOINT DUTY CREDIT FOR CERTAIN JOINT TASK FORCE ASSIGNMENTS.—Such section is further amended by striking subsection (i).

SEC. 505. TECHNICAL AND CONFORMING AMENDMENTS RELATING TO MODIFICATION OF JOINT SPECIALTY REQUIREMENTS.

(a) JOINT DUTY ASSIGNMENTS AFTER COMPLETION OF JOINT PROFESSIONAL MILITARY EDUCATION.—Section 663 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the heading, by striking ''JOINT SPECIALTY OFFICERS.—'' and inserting ''JOINT QUALIFIED OFFICERS.—''; and

(B) by striking ''officer with the joint specialty'' and inserting ''designated as a joint qualified officer''; and

(2) in subsection (b)(1), by striking ''do not have the joint specialty'' and inserting ''are not designated as joint qualified officers''.

(b) PROCEDURES FOR MONITORING CAREERS OF JOINT OFFICERS.—Section 665 of such title is amended—

(1) in subsection (a)(l)(A), by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''; and

(2) in subsection (b)(1), by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''.

(c) ANNUAL REPORTS.—Section 667 of such title is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''selected for the joint specialty'' and inserting ''designated as joint qualified officers''; and

(B) in subparagraph (B), by striking ''selection for the joint specialty but were not selected'' and inserting ''designation as joint qualified officers but were not designated'';

(2) in paragraph (2), by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers'';

(3) in paragraph (3), by striking ''selected for the joint specialty'' each place it appears and inserting ''designated as joint qualified officers'';

(4) in paragraph (4)—

(A) in subparagraph (A), by striking ''selected for the joint specialty'' and inserting ''designated as joint qualified officers''; and

(B) by striking subparagraph (B) and inserting the following new subparagraph (B):

''(B) a comparison of—

''(i) the number of officers designated as joint qualified officers who had served in a joint duty assignment list billet and completed Phase II joint professional military education; with

''(ii) the number of officers designated as joint qualified officers based on their aggregated joint experiences and completion of Phase II joint professional military education.'';

(5) by striking paragraph (16);

(6) by redesignating paragraphs (5) through (15) as paragraphs (6) through (16), respectively;

(7) by inserting after paragraph (4) the following new paragraph (5):

''(5) The promotion rate for officers from within the promotion zone who are designated as joint qualified officers compared with the promotion rate for other officers considered for promotion from within the promotion zone in the same pay grade and the same competitive category, shown for all officers of the armed force and for officers of the armed force concerned designated as joint qualified officers.'';

(8) in paragraph (7), as redesignated by paragraph (6) of this subsection—

(A) by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''; and

(B) by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(9) in paragraph (8), as so redesignated, by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(10) in paragraph (9), as so redesignated—

(A) by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''; and

(B) by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(11) in paragraph (10), as so redesignated—

(A) by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''; and

(B) by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(12) in paragraph (11), as so redesignated, by striking ''selection for the joint specialty'' and inserting ''designation as joint qualified officers'';

(13) in paragraph (14), as so redesignated—

(A) by striking ''paragraphs (5) through (9)'' and inserting ''paragraphs (6) through (10)''; and

(B) by striking ''having the joint specialty'' and inserting ''designated as joint qualified officers'';

(14) by redesignating paragraph (18) as paragraph (19); and

(15) by inserting after paragraph (17) the following new paragraph (18):

''(18) The number of officers in the grade of captain or above, or in the case of the Navy, lieutenant or above, certified at each level of joint qualification, with such numbers to be set forth separated for each armed force and for each covered grade of officer within each armed force.''.

SEC. 506. ELIGIBILITY OF RESERVE OFFICERS TO SERVE ON BOARDS OF INQUIRY FOR SEPARATION OF REGULAR OFFICERS FOR SUBSTANDARD PERFORMANCE AND OTHER REASONS.

(a) ELIGIBILITY.—Section 1187 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(2) in subsection (b), by striking ''on active duty'' in the matter preceding paragraph (1).

(b) CONFORMING AMENDMENT.—The heading of subsection (a) of such section is amended by striking ''ACTIVE DUTY OFFICERS'' and inserting ''IN GENERAL''.

SEC. 507. MODIFICATION OF AUTHORITY ON STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS.

(a) GRADE OF STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS.—Section 5046(a) of title 10, United States Code, is amended by striking the last sentence and inserting the following new sentence: ''The Staff Judge Advocate to the Commandant of the Marine Corps, while so serving, has the grade of major general.''.

(b) EXCLUSION FROM GENERAL OFFICER DISTRIBUTION LIMITATIONS.—Section 525(a) of such title is amended—

(1) by inserting ''(1)'' after ''(a)''; and

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

''(2) An officer while serving in the position of Staff Judge Advocate to the Commandant of the Marine Corps under section 5046 of this title is in addition to the number that would otherwise be permitted for the Marine Corps for officers in grades above the brigadier general under the first sentence of paragraph (1).''.

SEC. 508. INCREASE IN NUMBER OF PERMANENT PROFESSORS AT THE UNITED STATES AIR FORCE ACADEMY.

Section 9331(b)(4) of title 10, United States Code, is amended by striking ''21 permanent professors'' and inserting ''25 permanent professors''.

SEC. 509. SERVICE CREDITABLE TOWARD RETIREMENT FOR THIRTY YEARS OR MORE OF SERVICE OF REGULAR WARRANT OFFICERS OTHER THAN REGULAR ARMY WARRANT OFFICERS.

Section 1305 of title 10, United States Code, is amended—

(1) in subsection (a), ''A regular warrant officer'' and inserting ''A regular Army warrant officer'';

(2) by redesignating subsections (b) and (c) as subsections (c), and (d), respectively;

(3) by inserting after subsection (a) the following new subsection (b);

''(b) A regular warrant officer (other than a regular Army warrant officer) who has at least 30 years of active service that could be credited to him under section 511 of the Career Compensation Act of 1949, as amended, may be retired 60 days after the date on which he completes that service, except as provided by section 8301 of title 5.''; and

(4) in subsections (c) and (d), as redesignated by paragraph (2), by inserting ''or (b)'' after ''subsection (a)''.

SEC. 510. MODIFICATION OF REQUIREMENTS FOR QUALIFICATION FOR ISSUANCE OF POSTHUMOUS COMMISSIONS AND WARRANTS.

(a) POSTHUMOUS COMMISSIONS.—Section 1521 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''in line of duty'' each place it appears; and

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

''(c) A commission issued under subsection (a) shall require a certification by the Secretary of the military department concerned

that at the time of death the member was qualified for appointment to the next higher grade.''.

(b) POSTHUMOUS WARRANTS.—Section 1522 of such title is amended—

(1) in subsection (a), by striking ''in line of duty''; and

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

''(c) A warrant issued under subsection (a) shall require a finding by the Secretary of the military department concerned that at the time of death the member was qualified for appointment to the next higher grade.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to deaths of members of the Armed Forces occurring on or after that date.

Subtitle B—Enlisted Personnel Policy

SEC. 521. INCREASE IN MAXIMUM PERIOD OF REENLISTMENT OF REGULAR MEMBERS OF THE ARMED FORCES.

(a) INCREASE IN MAXIMUM PERIOD.—Section 505(d) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking ''six years'' and inserting ''eight years''; and

(2) in paragraph (3)(A), by striking ''six years'' and inserting ''eight years''.

(b) CONFORMING AMENDMENT RELATING TO PAYMENT OF REENLISTMENT BONUS.—Section 308(a)(2)(A)(ii) of title 37, United States Code, is amended by striking ''six'' and inserting ''eight''.

Subtitle C—Reserve Component Management

SEC. 531. MODIFICATION OF LIMITATIONS ON AUTHORIZED STRENGTHS OF RESERVE GENERAL AND FLAG OFFICERS IN ACTIVE STATUS.

(a) EXCLUSION OF ARMY AND AIR FORCE OFFICERS SERVING IN JOINT DUTY ASSIGNMENTS.—Subsection (b) of section 12004 of title 10, United States Code, is amended by adding at the end the following new paragraph;

''(4) Those serving in a joint duty assignment for purposes of chapter 38 of this title, except that the number of officers who may be excluded under this paragraph may not exceed the number equal to 20 percent of the number of officers authorized for the armed force concerned by subsection (a).''.

(b) EXCLUSION OF NAVY OFFICERS SERVING IN JOINT DUTY ASSIGNMENTS.—Subsection (c) of such section is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(2) by striking the matter in paragraph (1) before the matter relating to line corps and inserting the following:

''(1) The following Navy reserve officers shall not be counted for purposes of this section:

''(A) Those counted under section 526 of this title.

''(B) Those serving in a joint duty assignment for purposes of chapter 38 of this title, except that the number of officers who may be excluded under this paragraph may not exceed the number equal to 20 percent of the number of officers authorized for the Navy in subsection (a).

''(2) Of the number of Navy reserve officers authorized by subsection (a), 40 are distributed among the line and staff corps as follows:''.

SEC. 532. EXTENSION TO OTHER RESERVE COMPONENTS OF ARMY AUTHORITY FOR DEFERRAL OF MANDATORY SEPARATION OF MILITARY TECHNICIANS (DUAL STATUS) UNTIL AGE 60.

Section 10216(f) of title 10, United States Code, is amended by inserting ''and the Secretary of the Air Force'' after ''Secretary of the Army''.

SEC. 533. INCREASE IN MANDATORY RETIREMENT AGE FOR CERTAIN RESERVE OFFICERS TO AGE 62.

(a) SELECTIVE SERVICE AND UNITED STATES PROPERTY AND FISCAL OFFICERS.—Section 12647 of title 10, United States Code, is amended by striking ''60 years'' and inserting ''62 years''.

(b) HEADQUARTERS AND RESERVE TECHNICIAN OFFICER PERSONNEL.—

(1) IN GENERAL.—Subsection (b) of section 14702 of such title is amended—

(A) in the subsection caption, by striking ''AGE 60'' and inserting ''AGE 62''; and

(B) by striking ''60 years'' and inserting ''62 years''.

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 14702. Retention on reserve active-status list of certain officers until age 62''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1409 of such title is amended by striking the item relating to section 14702 and inserting the following new item:

''14702. Retention on reserve active-status list of certain officers until age 62.''.

SEC. 534. AUTHORITY FOR VACANCY PROMOTION OF NATIONAL GUARD AND RESERVE OFFICERS ORDERED TO ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

Section 14317 of title 10, United States Code, is amended—

(1) in subsection (d)—

(A) by inserting ''(1)'' before ''Except as provided in subsection (e)''; and

(B) by striking ''unless'' in the first sentence and all that follows through the end of the subsection and inserting ''unless the officer—

''(A) is ordered to active duty as a member of the unit in which the vacancy exists when that unit is ordered to active duty; or

''(B) has been ordered to or is serving on active duty in support of a contingency operation.

''(2) If the name of an officer is removed under paragraph (1) from a list of officers recommended for promotion, the officer shall be treated as if the officer had not been considered for promotion or examined for Federal recognition.''; and

(2) in subsection (e)(1)(B), by inserting ''or by examination for Federal recognition under title 32'' after ''this title''.

SEC. 535. AUTHORITY FOR RETENTION OF RESERVE COMPONENT CHAPLAINS AND MEDICAL OFFICERS UNTIL AGE 68.

(a) RESERVE CHAPLAINS AND MEDICAL OFFICERS.—Section 14703(b) of title 10, United States Code, is amended by striking ''67 years'' and inserting ''68 years''.

(b) NATIONAL GUARD CHAPLAINS AND MEDICAL OFFICERS.—Section 324(a) of title 32, United States Code, is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) in the case of a chaplain or medical officer, he becomes 68 years of age; or''.

SEC. 536. MODIFICATION OF AUTHORITIES ON DUAL DUTY STATUS OF NATIONAL GUARD OFFICERS.

(a) DUAL DUTY STATUS AUTHORIZED FOR ANY OFFICER ON ACTIVE DUTY.—Subsection (a)(2) of section 325 of title 32, United States Code, is amended by striking ''in command of a National Guard unit''.

(b) ADVANCE AUTHORIZATION AND CONSENT TO DUAL DUTY STATUS.—Such section is further amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) ADVANCE AUTHORIZATION AND CONSENT.—The President and the Governor of a State or Territory, or of the Commonwealth of Puerto Rico, or the commanding general of the District of Columbia National Guard, as applicable, may give the authorization or consent required by subsection (a)(2) with respect to an officer in advance for the purpose of establishing the succession of command of a unit.''.

SEC. 537. MODIFICATION OF MATCHING FUND REQUIREMENTS UNDER NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

(a) IN GENERAL.—Subsection (d) of section 509 of title 32, United States Code, is amended to read as follows:

''(d) MATCHING FUNDS REQUIRED.—(1) The amount of assistance provided by the Secretary of Defense to a State program of the Program for a fiscal year under this section may not exceed 60 percent of the costs of operating the State program during that fiscal year.

''(2) The limitation in paragraph (1) may not be construed as a limitation on the amount of assistance that may be provided to a State program of the Program for a fiscal year from sources other than the Department of Defense.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 538. REPORT ON COLLECTION OF INFORMATION ON CIVILIAN SKILLS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability, utility, and cost effectiveness of the following:

(1) The collection by the Department of Defense of information on the civilian skills, qualifications, and professional certifications of members of the reserve components of the Armed Forces that are relevant to military manpower requirements.

(2) The establishment by each military department, and by the Department of Defense generally, of a system that would match billets and personnel requirements with members of the reserve components of the Armed Forces who have skills, qualifications, and certifications relevant to such billets and requirements.

(3) The establishment by the Department of Defense of one or more systems accessible by private employers who employ individuals with skills, qualifications, and certifications possessed by members of the reserve components of the Armed Forces to assist such employers in hiring and employing such members.

(4) Actions to ensure that employment information collected for and maintained in the Civilian Employment Information database of the Department of Defense is current and accurate.

(5) Actions to incorporate any matter determined feasible and advisable under paragraphs (1) through (4) into the Defense Integrated Military Human Resources System.

Subtitle D—Education and Training

SEC. 551. AUTHORITY TO PRESCRIBE THE AUTHORIZED STRENGTH OF THE UNITED STATES NAVAL ACADEMY.

(a) IN GENERAL.—Section 6954 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''4,000 or such higher number'' and inserting ''4,400 or such lower number''; and

(B) by striking ''under subsection (h)''; and

(2) by striking subsection (h).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to academic years at the United States Naval Academy after the 2007–2008 academic year.

SEC. 552. TUITION FOR ATTENDANCE OF CERTAIN INDIVIDUALS AT THE UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.

Section 9314(c) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(4)(A) The Institute shall charge tuition for the cost of instruction at the Institute for individuals described in subparagraph (B).

''(B) The individuals described in this subparagraph are any individuals, including civilian employees of the military departments other than the Air Force, of other components of the Department of Defense, and of other Federal agencies, receiving instruction at the Institute.

''(C) The cost of any tuition charged an individual under this paragraph shall be borne by the department, agency, or component sending the individual for instruction at the Institute.

''(5) Amounts received by the Institute for the instruction of students under this subsection shall be retained by the Institute and available to the Institute to cover the costs of such instruction. The source and disposition of such amounts shall be specifically identified in the records of the Institute.''.

SEC. 553. INCREASE IN STIPEND FOR BACCALAUREATE STUDENTS IN NURSING OR OTHER HEALTH PROFESSIONS UNDER HEALTH PROFESSIONS STIPEND PROGRAM.

Section 16201 of title 10, United States Code, is amended—

(1) in subsection (e)(2)(A), by striking ''of $100 per month'' and inserting '', in an amount determined under subsection (f),''; and

(2) in subsection (f), by striking ''subsection (b) or (c)'' and inserting ''subsection (b), (c), or (e)''.

SEC. 554. CLARIFICATION OF DISCHARGE OR RELEASE TRIGGERING DELIMITING PERIOD FOR USE OF EDUCATIONAL ASSISTANCE BENEFIT FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.

Section 16164(a)(2) of title 10, United States Code, is amended by striking ''other than dishonorable conditions'' and inserting ''honorable conditions''.

SEC. 555. PAYMENT BY THE SERVICE ACADEMIES OF CERTAIN EXPENSES ASSOCIATED WITH PARTICIPATION IN ACTIVITIES FOSTERING INTERNATIONAL COOPERATION.

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by adding the following new section:

''§ 2016. Service academies: payment of expenses of foreign visitors for international cooperation; expenses of cadets and midshipmen in certain travel or study abroad

''(a) PAYMENT OF EXPENSES OF CERTAIN FOREIGN VISITORS.—The Superintendent of the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy may, if such Superintendent considers it necessary in the interests of international cooperation, pay the following:

''(1) Travel, subsistence, and special compensation of officers, students, and representatives of foreign countries visiting the service academy concerned.

''(2) Other hosting and entertainment expenses in connection with foreign visitors to the service academy concerned.

''(b) PER DIEM FOR CADETS AND MIDSHIPMEN TRAVELING OR STUDYING ABROAD.—A cadet at the United States Military Academy or the United States Air Force Academy, and a midshipman at the United States Naval Academy, who travels or studies abroad in a program to enhance language skills or cultural understanding may be paid per diem in connection with such travel or study at a rate lower than the rate authorized by the Joint Federal Travel Regulations if the Superintendent of the service academy concerned determines that payment of per diem at such lower rate is in the best interest of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by adding at the end the following new item:

''2016. Service academies: payment of costs of foreign visitors for international cooperation; expenses of cadets and midshipmen in certain travel or study abroad.''.

Subtitle E—Defense Dependents' Education Matters

SEC. 561. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2009 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $30,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated for fiscal year 2009 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $10,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572.

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 562. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated for fiscal year 2009 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

SEC. 563. TRANSITION OF MILITARY DEPENDENT STUDENTS AMONG LOCAL EDUCATIONAL AGENCIES.

Subsection (d) of section 574 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2227; 20 U.S.C. 7703b note) is amended to read as follows:

''(d) TRANSITION OF MILITARY DEPENDENTS AMONG LOCAL EDUCATIONAL AGENCIES.—(1) The Secretary of Defense shall work collaboratively with the Secretary of Education in any efforts to ease the transitions of military dependent students from Department of Defense dependent schools to other schools and among schools of local educational agencies.

''(2) The Secretary of Defense may use funds of the Department of Defense Education Activity for purposes as follows:

''(A) To share expertise and experience of the Activity with local educational agencies as military dependent students make the transitions described in paragraph (1), including transitions resulting from the closure or realignment of military installations under a base closure law, global rebasing, and force restructuring.

''(B) To provide programs for local educational agencies with military dependent students undergoing the transitions described in paragraph (1), including programs for training for teachers and access to distance learning courses for military dependent students who attend public schools in the United States.''.

Subtitle F—Military Family Readiness

SEC. 571. AUTHORITY FOR EDUCATION AND TRAINING FOR MILITARY SPOUSES PURSUING PORTABLE CAREERS.

Section 1784 of title 10, United States Code, is amended by inserting at the end the following new subsection:

''(h) EDUCATION AND TRAINING FOR MILITARY SPOUSES PURSUING PORTABLE CAREERS.—(1) The Secretary of Defense may carry out programs to provide or make available to eligible spouses of members of the armed forces education and training to facilitate the pursuit by such eligible spouses of a portable career.

''(2) In carrying out programs under this subsection, the Secretary may provide assistance utilizing funds available to carry out this section in accordance with such regulations as the Secretary shall prescribe for purposes of this subsection.

''(3) In this subsection:

''(A)(i) The term 'eligible spouse' means any person married to a member of the armed forces on active duty.

''(ii) The term does not include the following:

''(I) Any person who is married to, but legally separated from, a member of the armed forces under court order or statute of any State or possession of the United States.

''(II) Any person who is a member of the armed forces.

''(B) The term 'portable career' includes an occupation identified by the Secretary of Defense, in consultation with the Secretary of Labor, as requiring education and training that results in a credential that is recognized nationwide by industry or specific businesses.''.

Subtitle G—Other Matters

SEC. 581. DEPARTMENT OF DEFENSE POLICY ON THE PREVENTION OF SUICIDES BY MEMBERS OF THE ARMED FORCES.

(a) POLICY REQUIRED.—Not later than August 1, 2009, the Secretary of Defense shall develop a comprehensive policy designed to prevent suicide by members of the Armed Forces.

(b) PURPOSES.—The purposes of the policy required by this section shall be as follows:

(1) To ensure that investigations, analyses, and appropriate data collection can be conducted, across the military departments, on the causes and factors surrounding suicides by members of the Armed Forces.

(2) To develop effective strategies and policies for the education of members of the Armed Forces to assist in preventing suicides and suicide attempts by members of the Armed Forces.

(c) ELEMENTS.—The policy required by this section shall include, but not be limited to, the following:

(1) Requirements for investigations and data collection in connection with suicides by members of the Armed Forces.

(2) A requirement for the appointment by the appropriate military authority of a separate investigating officer to conduct an administrative investigation into each suicide by a member of the Armed Forces in accordance with the requirements specified under paragraph (1).

(3) Requirements for minimum information to be determined under each investigation pursuant to paragraph (2), including, but not limited to, the following:

(A) Any mental illness or other mental health condition, including Post Traumatic Stress Disorder (PTSD), of the member of the Armed Forces concerned at the time of the completion of suicide.

(B) Any other illness or injury of the member at the time of the completion of suicide.

(C) Any receipt of health care services, including mental health care services, by the member before the completion of suicide.

(D) Any utilization of prescription drugs by the member before the completion of suicide.

(E) The number, frequency, and dates of deployment of the member.

(F) The military duty assignment of the member at the time of the completion of suicide.

(G) Any observations by family members, health care providers, medical care managers, and other members of the Armed Forces of any symptoms of depression, anxiety, alcohol or drug abuse, or other relevant behavior in the member before the completion of suicide.

(H) The results of a psychological autopsy of the member, if conducted.

(4) A requirement for a report from each administrative investigation conducted pursuant to paragraph (2) which shall set forth the findings and recommendations resulting from such investigation.

(5) Procedures for the protection of the confidentiality of information contained in each report on an investigation pursuant to paragraph (4).

(6) A requirement that the Deputy Chief of Staff for Personnel of the military department concerned receive and analyze each report on an investigation pursuant to paragraph (4).

(7) The appointment by the Secretary of Defense of an appropriate official or executive agent within the Department of Defense to receive and analyze each report on an investigation pursuant to paragraph (4) in order to—

(A) identify trends or common causal factors in suicides by members of the Armed Forces; and

(B) advise the Secretary on means by which the suicide education and prevention strategies and programs of the military departments can respond appropriately and effectively to such trends and causal factors.

(8) A requirement for an annual report to the Secretary of Defense by each Secretary of a military department on the following:

(A) The results of investigations into suicide by members of the Armed Forces pursuant to paragraph (2) for each calendar year beginning with 2010.

(B) Actions taken to improve the suicide education and prevention strategies and programs of the military departments.

(d) CONSTRUCTION OF INVESTIGATION WITH OTHER INVESTIGATION REQUIREMENTS.—The investigation of the suicide by a member of the Armed Forces under the policy required by this section shall be in addition to any other investigation of the suicide required by law, including any investigation for criminal purposes.

(e) REPORT.—Not later than August 1, 2009, the Secretary of the Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the policy required by this section. The report shall include—

(1) a description of the policy; and

(2) a plan for the implementation of the policy throughout the Department of Defense.

SEC. 582. RELIEF FOR LOSSES INCURRED AS A RESULT OF CERTAIN INJUSTICES OR ERRORS OF THE DEPARTMENT OF DEFENSE.

(a) RELIEF AUTHORIZED.—Chapter 3 of title 10, United States Code, is amended by inserting after section 127c, as added by section 1201 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2410), the following new section:

''§ 127e. Relief for losses incurred as a result of certain injustices or errors of the Department of Defense

''(a) RELIEF AUTHORIZED.—Under regulations prescribed by the Secretary of Defense, the Secretary of Defense or the Secretary of the military department concerned may, upon a determination that a member or former member of the armed forces has suffered imprisonment as a result of an injustice or error of the Department of Defense or any of its employees acting in an official capacity following conviction by a court-martial, provide such relief on account of such error as such Secretary determines equitable and fair, including the payment of moneys to any person whom such Secretary determines is entitled to such moneys.

''(b) PAYMENT AS A MATTER OF SOLE DISCRETION.—The payment of any moneys under this section is within the sole discretion of the Secretary of Defense and the Secretaries of the military departments.

''(c) PAYMENT OF INTEREST.—The authority to pay moneys under this section includes the authority to pay interest on such moneys in amounts calculated in accordance with the regulations required under subsection (a).

''(d) FUNDS.—Amounts for the payment of moneys and interest under this section shall be derived from amounts available to the Secretary of Defense or the Secretary of the military department concerned for the payment of emergency and extraordinary expenses under section 127 of this title.

''(e) ANNUAL REPORTS.—Each annual report of the Secretary of Defense under section 127(d) of this title shall include a description of the disposition of each request for relief under this section during the fiscal year covered by such report, including a statement of the amount paid with respect to each finding of injustice or error warranting payment under this section during such fiscal year.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by inserting after the item relating to section 127c, as so added, the following new item:

''127e. Relief for losses incurred as a result of certain injustices or errors of the Department of Defense.''.

SEC. 583. PATERNITY LEAVE FOR MEMBERS OF THE ARMED FORCES.

(a) LEAVE AUTHORIZED.—Section 701 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(j)(1) Under regulations prescribed by the Secretary of Defense, a member of the armed forces on active duty who is the husband of a woman who gives birth to a child may be given up to 21 days of leave to be used in connection with the birth of the child.

''(2) Leave under paragraph (1) is in addition to other leave authorized under the provisions of this section.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply only with respect to children born on or after that date.

SEC. 584. ENHANCEMENT OF AUTHORITIES ON PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN INTERNATIONAL SPORTS COMPETITIONS.

(a) IN GENERAL.—Section 717 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking ''and the Olympic Games'' and inserting ''the Olympic Games, and the Military World Games'';

(2) in subsection (b), by striking ''subsections (c) and (d)'' and inserting ''subsections (c) and (e)'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''$3,000,000'' and inserting ''$6,000,000''; and

(ii) by striking ''October 1, 1980'' and inserting ''October 1, 2008''; and

(B) in paragraph (2)—

(i) by striking ''$100,00'' and inserting ''$200,000''; and

(ii) by striking ''October 1, 1980'' and inserting ''October 1, 2008'';

(4) by redesignating subsection (d) as subsection (e); and

(5) by inserting after subsection (c) the following new subsection (d):

''(d)(1) The Secretary of Defense may plan for the following:

''(A) The participation by military personnel in international sports activities and competitions as authorized by subsection (a).

''(B) The hosting of military international sports activities, competitions, and events such as the Military World Games.

''(2) Planning and other activities associated with hosting of international sports activities, competitions, and events under this subsection shall, to the maximum extent possible, be funded using appropriations available to the Department of Defense .''.

(b) REPORT ON PLANNING FOR INTERNATIONAL SPORTS ACTIVITIES, COMPETITIONS, AND EVENTS.—

(1) REPORT REQUIRED.—Not later than October 1, 2009, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a comprehensive plan for the following:

(A) The participation by personnel of the Department of Defense in international sports activities, competitions, and events (including the Pan American Games, the Olympic Games, the Paralympic Games, the Military World Games, other activities of the International Military Sports Council (CISM), and the Interallied Confederation of Reserve Officers (CIOR)) through fiscal year 2015.

(B) The hosting by the Department of Defense of military international sports activities, competitions, and events through fiscal year 2015.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A discussion of the military international sports activities, competitions, and events that the Department of Defense intends to seek to host, an estimate of the costs of hosting such activities, competitions, and events that the Department intends to seek to host, and a description of the sources of funding for such costs.

(B) A discussion of the use and replenishment of funds in the account in the Treasury for the Support for International Sporting Competitions for the hosting of such activities, competitions, and events that the Department intends to seek to host.

(C) A discussion of the support that may be obtained from other departments and agencies of the Federal Government, State and local governments, and private entities in

encouraging participation of members of the Armed Forces in international sports activities, competitions, and events or in hosting of military international sports activities, competitions, and events.

(D) Such recommendations for legislative or administrative action as the Secretary considers appropriate to implement or enhance planning for the matters described in paragraph (1).

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

SEC. 585. PILOT PROGRAMS ON CAREER FLEXIBILITY TO ENHANCE RETENTION OF MEMBERS OF THE ARMED FORCES.

(a) PILOT PROGRAMS AUTHORIZED.—

(1) IN GENERAL.—Each Secretary of a military department may carry out a pilot program under which officers and enlisted members of the regular components of the Armed Forces under the jurisdiction of such Secretary may be inactivated from active duty in order to meet personal or professional needs and returned to active duty at the end of such period of inactivation from active duty.

(2) PURPOSE.—The purpose of the pilot programs under this section shall be to evaluate whether permitting inactivation from active duty and greater flexibility in career paths for members of the Armed Forces will provide an effective means to enhance retention of members of the Armed Forces and the capacity of the Department of Defense to respond to the personal and professional needs of individual members of the Armed Forces.

(b) LIMITATION ON ELIGIBLE MEMBERS.—A member of the Armed Forces is not eligible to participate in a pilot program under this section during any period of service required of the member due to receipt of the following:

(1) An accession bonus for medical officers in critically short wartime specialties under section 302k of title 37, United States Code.

(2) An accession bonus for dental specialists in critically short wartime specialties under section 302l of title 37, United States Code.

(3) A retention bonus for members qualified in critical military skills or assigned to high priority units under section 355 of title 37, United States Code.

(c) LIMITATION ON NUMBER OF MEMBERS.—Not more than 20 officers and 20 enlisted members of an Armed Force may participate in a pilot program under this section at any one time.

(d) LIMITATION ON PERIOD OF INACTIVATION FROM ACTIVE DUTY.—The period of inactivation from active duty under the pilot program under this section of a member participating in the pilot program shall be such period as the Secretary concerned shall specify in the agreement of the member under subsection (e), except that such period may not exceed three years.

(e) AGREEMENT.—Each member of the Armed Forces who participates in a pilot program under this section shall enter into a written agreement with the Secretary of the military department concerned under which agreement that member shall agree as follows:

(1) To accept an appointment or enlist, as applicable, and serve in the Ready Reserve of the Armed Force concerned during the period of the member's inactivation from active duty under the pilot program.

(2) To undergo during the period of the inactivation of the member from active duty under the pilot program such inactive duty training as the Secretary concerned shall require in order to ensure that the member retains appropriate proficiency in the member's military skills, professional qualifications, and physical readiness during the inactivation of the member from active duty.

(3) Following completion of the period of the inactivation of the member from active duty under the pilot program, to serve two months as a member of the Armed Forces on active duty for each month of the period of the inactivation of the member from active duty under the pilot program.

(f) ORDER TO ACTIVE DUTY.—Under regulations prescribed by the Secretary of the military department concerned, a member of the Armed Forces participating in a pilot program under this section may, in the discretion of such Secretary, be required to terminate participation in the pilot program and be ordered to active duty.

(g) PAY AND ALLOWANCES.—

(1) BASIC PAY.—During each month of participation in a pilot program under this section, a member who participates in the pilot program shall be paid basic pay in an amount equal to two-thirtieths of the amount of monthly basic pay to which the member would otherwise be entitled under section 204 of title 37, United States Code, as a member of the uniformed services on active duty in the grade and years of service of the member when the member commences participation in the pilot program.

(2) SPECIAL AND INCENTIVE PAYS.—

(A) PROHIBITION ON RECEIPT DURING PARTICIPATION.—A member who participates in a pilot program shall not, while participating in the pilot program, be paid any special or incentive pay or bonus to which the member is otherwise entitled under an agreement under chapter 5 of title 37, United States Code, that is in force when the member commences participation in the pilot program.

(B) TREATMENT OF REQUIRED SERVICE.—The inactivation from active duty of a member participating in a pilot program shall not be treated as a failure of the member to perform any period of service required of the member in connection with an agreement for a special or incentive pay or bonus under chapter 5 of title 37, United States Code, that is in force when the member commences participation in the pilot program.

(C) REVIVAL OF SPECIAL PAYS UPON RETURN TO ACTIVE DUTY.—Subject to subparagraph (D), upon the return of a member to active duty after completion by the member of participation in a pilot program—

(i) any agreement entered into by the member under chapter 5 of title 37, United States Code, for the payment of a special or incentive pay or bonus that was in force when the member commenced participation in the pilot program shall be revived, with the term of such agreement after revival being the period of the agreement remaining to run when the member commenced participation in the pilot program; and

(ii) any special or incentive pay or bonus shall be payable to the member in accordance with the terms of the agreement concerned for the term specified in clause (i).

(D) LIMITATIONS.—

(i) LIMITATION AT TIME OF RETURN TO ACTIVE DUTY.—Subparagraph (C) shall not apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to a member if, at the time of the return of the member to active duty as described in that subparagraph—

(I) such pay or bonus is no longer authorized by law; or

(II) the member does not satisfy eligibility criteria for such pay or bonus as in effect at the time of the return of the member to active duty.

(ii) CESSATION DURING LATER SERVICE.—Subparagraph (C) shall cease to apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to a member if, during the term of the revived agreement of the member under subparagraph (C)(i), such pay or bonus ceases being authorized by law.

(E) REPAYMENT.—A member who is ineligible for payment of a special or incentive pay or bonus otherwise covered by this paragraph by reason of subparagraph (D)(i)(II) shall be subject to the requirements for repayment of such pay or bonus in accordance with the terms of the applicable agreement of the member under chapter 5 of title 37, United States Code.

(F) CONSTRUCTION OF REQUIRED SERVICE.—Any service required of a member under an agreement covered by this paragraph after the member returns to active duty as described in subparagraph (C) shall be in addition to any service required of the member under an agreement under subsection (e).

(3) CERTAIN TRAVEL AND TRANSPORTATION ALLOWANCES.—

(A) IN GENERAL.—Subject to subparagraph (B), a member who participates in a pilot program is entitled, while participating in the pilot program, to the travel and transportation allowances authorized by section 404 of title 37, United States Code, for—

(i) travel performed from the member's residence, at the time of release from active duty to participate in the pilot program, to the location in the United States designated by the member as his residence during the period of participation in the pilot program; and

(ii) travel performed to the member's residence upon return to active duty at the end of the member's participation in the pilot program.

(B) LIMITATION.—An allowance is payable under this paragraph only with respect to travel of a member to and from a single residence.

(h) PROMOTION.—

(1) OFFICERS.—

(A) LIMITATION ON PROMOTION.—An officer participating in a pilot program under this section shall not, while participating in the pilot program, be eligible for consideration for promotion under chapter 36 or 1405 of title 10, United States Code.

(B) PROMOTION AND RANK UPON RETURN TO ACTIVE DUTY.—Upon the return of an officer to active duty after completion by the officer of participation in a pilot program—

(i) the Secretary concerned shall adjust the officer's date of rank in such manner as the Secretary of Defense shall prescribe in regulations for purposes of this section; and

(ii) the officer shall be eligible for consideration for promotion when officers of the same competitive category, grade, and seniority are eligible for consideration for promotion.

(2) ENLISTED MEMBERS.—An enlisted member participating in a pilot program shall not be eligible for consideration for promotion during the period that—

(A) begins on the date of the member's inactivation from active duty under the pilot program; and

(B) ends at such time after the return of the member to active duty under the pilot program that the member is treatable as eligible for promotion by reason of time in grade and such other requirements as the Secretary of the military department concerned shall prescribe in regulations for purposes of the pilot program.

(i) MEDICAL AND DENTAL CARE.—A member participating in a pilot program under this section shall, while participating in the pilot program, be treated as a member of the Armed Forces on active duty for a period of more than 30 days for purposes of the entitlement of the member and the member's dependents to medical and dental care under the provisions of chapter 55 of title 10, United States Code.

(j) TREATMENT OF PERIOD OF PARTICIPATION FOR PURPOSES OF RETIREMENT AND RELATED PURPOSES.—Any period of participation of a member in a pilot program under this section shall not count toward—

(1) eligibility for retirement or transfer to the Ready Reserve under either chapter 571 or 1223 of title 10, United States Code;

(2) computation of retired or retainer pay under chapter 71 or 1223 of title 10, United States Code; or

(3) computation of total years of commissioned service under section 14706 of title 10, United States Code.

(k) REPORTS.—

(1) INTERIM REPORTS.—Not later than June 1 of each of 2010 and 2012, each Secretary of a military department shall submit to the congressional defense committees a report on the implementation and current status of the pilot programs conducted by such Secretary under this section.

(2) FINAL REPORT.—Not later than March 1, 2015, the Secretary of Defense shall submit to the congressional defense committees a report on the pilot programs conducted under this section.

(3) ELEMENTS OF REPORT.—Each interim report and the final report under this subsection shall include the following:

(A) A description of each pilot program conducted under this section, including a description of the number of applicants for such pilot program and the criteria used to select individuals for participation in such pilot program.

(B) An assessment by the Secretary concerned of the pilot programs, including an evaluation of whether—

(i) the authorities of the pilot programs provided an effective means to enhance the retention of members of the Armed Forces possessing critical skills, talents, and leadership abilities;

(ii) the career progression in the Armed Forces of individuals who participate in the pilot program has been or will be adversely affected; and

(iii) the usefulness of the pilot program in responding to the personal and professional needs of individual members of the Armed Forces.

(C) Such recommendations for legislative or administrative action as the Secretary concerned considers appropriate for the modification or continuation of the pilot programs.

(l) DURATION OF PROGRAM AUTHORITY.—The authority to conduct a pilot program authorized by this section shall commence on January 1, 2009 and expire on December 31, 2014. No member of the Armed Forces may be in a period of inactivation from active duty under the pilot program after December 31, 2014.

SEC. 586. PROHIBITION ON INTERFERENCE IN INDEPENDENT LEGAL ADVICE BY THE LEGAL COUNSEL TO THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.

Section 156(d) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''The Legal Counsel''; and

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

''(2) No officer or employee of the Department of Defense may interfere with the ability of the Legal Counsel to give independent legal advice to the Chairman of the Joint Chiefs of Staff and to the Joint Chiefs of Staff.''.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2009 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during the fiscal year 2009 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2009, the rates of monthly basic pay for members of the uniformed services are increased by 3.9 percent.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(g) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) SELECTED RESERVE AFFILIATION OR ENLISTMENT BONUS.—Section 308c(i) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) READY RESERVE ENLISTMENT BONUS FOR PERSONS WITHOUT PRIOR SERVICE.—Section 308g(f)(2) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(e) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308h(e) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(f) SELECTED RESERVE ENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308i(f) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of such title is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(e) SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(e) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(f) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(g) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302j(a) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(h) ACCESSION BONUS FOR MEDICAL OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302k(f) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(i) ACCESSION BONUS FOR DENTAL SPECIALIST OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302l(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(f) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) ASSIGNMENT INCENTIVE PAY.—Section 307a(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) ENLISTMENT BONUS.—Section 309(e) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(e) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(f) INCENTIVE BONUS FOR CONVERSION TO MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGE.—Section 326(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(g) ACCESSION BONUS FOR OFFICER CANDIDATES.—Section 330(f) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(h) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY UNITS.—Section 355(i) of such title, as redesignated by section 661(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(i) INCOME REPLACEMENT FOR RESERVE MEMBERS EXPERIENCING EXTENDED AND FREQUENT MOBILIZATIONS.—Section 910(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 615. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

(a) HEALTH PROFESSIONS REFERRAL BONUS.—Subsection (i) of section 1030 of title 10, United States Code, as added by section 671(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) ARMY REFERRAL BONUS.—Subsection (h) of section 3252 of title 10, United States Code, as added by section 671(a) of the National Defense Authorization Act for Fiscal Year 2008, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 616. PERMANENT EXTENSION OF PROHIBITION ON CHARGES FOR MEALS RECEIVED AT MILITARY TREATMENT FACILITIES BY MEMBERS RECEIVING CONTINUOUS CARE.

Section 402(h) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking ''during any month covered by paragraph (3)''; and

(2) by striking paragraph (3).

SEC. 617. ACCESSION AND RETENTION BONUSES FOR THE RECRUITMENT AND RETENTION OF PSYCHOLOGISTS FOR THE ARMED FORCES.

(a) MULTIYEAR RETENTION BONUS FOR PSYCHOLOGISTS.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 301e the following new section:

''§ 301f. Multiyear retention bonus: psychologists of the armed forces

''(a) BONUS AUTHORIZED.—An officer described in subsection (c) who executes a written agreement to remain on active duty for up to four years after completion of any other active-duty service commitment may, upon acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

''(b) MAXIMUM AMOUNT OF BONUS.—The amount of a retention bonus under subsection (a) may not exceed $25,000 for each year of the agreement of the officer concerned.

''(c) ELIGIBLE OFFICERS.—An officer described in this subsection is an officer of the armed forces who—

''(1) is a psychologist of the armed forces;

''(2) is in a pay grade below pay grade O–7;

''(3) has at least eight years of creditable service (computed as described in section 302b(f) of this title) or has completed any active-duty service commitment incurred for psychology education and training;

''(4) has completed initial residency training (or will complete such training before September 30 of the fiscal year in which the officer enters into an agreement under subsection (a)); and

''(5) holds a valid State license to practice as a doctoral level psychologist.

''(d) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 301e the following new item:

''301f. Multiyear retention bonus: psychologists of the armed forces.''.

(b) ACCESSION BONUS FOR PSYCHOLOGISTS.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 302l the following new section:

''§ 302m. Special pay: accession bonus for psychologists

''(a) ACCESSION BONUS AUTHORIZED.—A person described in subsection (b) who executes a written agreement described in subsection (e) to accept a commission as an officer of the armed forces and remain on active duty for a period of not less than four consecutive years may, upon acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount determined by the Secretary concerned.

''(b) ELIGIBLE PERSONS.—A person described in this section is any person who—

''(1) is a graduate of an accredited school of psychology; and

''(2) holds a valid State license to practice as a doctoral level psychologist.

''(c) MAXIMUM AMOUNT OF BONUS.—The amount of an accession bonus under subsection (a) may not exceed $400,000.

''(d) LIMITATION ON ELIGIBILITY.—A person may not be paid a bonus under subsection (a) if—

''(1) the person, in exchange for an agreement to accept an appointment as an officer, received financial assistance from the Department of Defense to pursue a course of study in psychology; or

''(2) the Secretary concerned determines that the person is not qualified to become and remain certified as a psychologist.

''(e) AGREEMENT.—The agreement referred to in subsection (a) shall provide that, consistent with the needs of the armed force concerned, the person executing the agreement will be assigned to duty, for the period of obligated service covered by the agreement, as an officer of such armed force as a psychologist.

''(f) REPAYMENT.—A person who, after signing an agreement under subsection (a), is not commissioned as an officer of the armed forces, does not become licensed as a psychologist, or does not complete the period of active duty specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.

''(g) TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after December 31, 2009.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 302l the following new item:

''302m. Special pay: accession bonus for psychologists.''.

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

SEC. 618. AUTHORITY FOR EXTENSION OF MAXIMUM LENGTH OF SERVICE AGREEMENTS FOR SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.

Section 312(a)(3) of section 312 of title 37, United States Code, is amended by striking ''three, four, or five years'' and inserting ''not less than three years''.

SEC. 619. INCENTIVE PAY FOR MEMBERS OF PRECOMMISSIONING PROGRAMS PURSUING FOREIGN LANGUAGE PROFICIENCY.

(a) INCENTIVE PAY AUTHORIZED.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 316 the following new section:

''§ 316a. Special pay: incentive pay for members of precommissioning programs pursuing foreign language proficiency

''(a) INCENTIVE PAY.—The Secretary of Defense may pay incentive pay under this section to an individual who—

''(1) is enrolled as a member of the Senior Reserve Officers' Training Corps or the Marine Corps Platoon Leaders Class, as determined in accordance with regulations prescribed by the Secretary of Defense under subsection (e); and

''(2) participates in a language immersion program approved for purposes of the Senior Reserve Officers' Training Corps, or in study abroad, or is enrolled in an academic course that involves instruction in a foreign language of strategic interest to the Department of Defense as designated by the Secretary of Defense for purposes of this section.

''(b) PERIOD OF PAYMENT.—Incentive pay is payable under this section to an individual described in subsection (a) for the period of the individual's participation in the language program or study described in paragraph (2) of that subsection.

''(c) AMOUNT.—The amount of incentive pay payable to an individual under this section may not exceed $3,000 per year.

''(d) REPAYMENT.—An individual who is paid incentive pay under this section but who does not satisfactorily complete participation in the individual's language program or study as described in subsection (a)(2), or who does not complete the requirements of the Senior Reserve Officers' Training Corps or the Marine Corps Platoon Leaders Class, as applicable, shall be subject to the repayment provisions of section 303a(e) of this title.

''(e) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense.

''(f) REPORTS.—Not later than January 1, 2010, and annually thereafter through 2014, the Secretary of Defense shall submit to the Director of the Office of Management and Budget, and to Congress, a report on the payment of incentive pay under this section during the preceding fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

''(1) The number of individuals paid incentive pay under this section, the number of individuals commencing receipt of incentive pay under this section, and the number of individuals ceasing receipt of incentive pay under this section.

''(2) The amount of incentive pay paid to individuals under this section.

''(3) The aggregate amount recouped under section 303a(e) of this title in connection with receipt of incentive pay under this section.

''(4) The languages for which incentive pay was paid under this section, including the total amount paid for each such language.

''(5) The effectiveness of incentive pay under this section in assisting the Department of Defense in securing proficiency in foreign languages of strategic interest to the Department of Defense, including a description of how recipients of pay under this section are assigned and utilized following completion of the program of study.

''(g) TERMINATION OF AUTHORITY.—No incentive pay may be paid under this section after December 31, 2013.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 316 the following new item:

''316a. Special pay: incentive pay for members of precommissioning programs pursuing foreign language proficiency.''.

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

Subtitle C—Travel and Transportation Allowances

SEC. 631. SHIPMENT OF FAMILY PETS DURING EVACUATION OF PERSONNEL.

Section 406(b)(1) of title 37, United States Code, is amended by adding at the end the following new subparagraph:

''(H)(i) Except as provided in paragraph (2) and subject to clause (iii), in connection with an evacuation from a permanent station located in a foreign area, a member is entitled to transportation (including shipment and payment of any quarantine costs) of not more than two family household pets.

''(ii) A member entitled to transportation under clause (i) may be paid reimbursement or, at the member's request, a monetary allowance in accordance with the provisions of subparagraph (F) if the member secures by commercial means shipment and any quarantining of the pets otherwise subject to transportation under clause (i).

''(iii) The provision of transportation under clause (i) and the payment of reimbursement under clause (ii) shall be subject to such regulations as the Secretary of Defense shall prescribe with respect to members of the armed forces for purposes of this subparagraph. Such regulations may specify limitations on the types or size of pets for

which transportation may be so provided or reimbursement so paid.''.

SEC. 632. SPECIAL WEIGHT ALLOWANCE FOR TRANSPORTATION OF PROFESSIONAL BOOKS AND EQUIPMENT FOR SPOUSES.

(a) SPECIAL WEIGHT ALLOWANCE.—Section 406(b)(1)(D) of title 37, United States Code, is amended—

(1) by inserting ''(i)'' after ''(D)'';

(2) in the second sentence of clause (i), as so redesignated, by striking ''this subparagraph'' and inserting ''this clause'';

(3) by redesignating the last sentence as clause (iii) and indenting the margin of such clause, as so designated, two ems from the left margin; and

(4) by inserting after clause (i), as redesignated by paragraph (2), the following new clause:

''(ii) In addition to the weight allowance authorized for such member with dependents under paragraph (C), the Secretary concerned may authorize up to an additional 500 pounds in weight allowance for shipment of professional books and equipment belonging to the spouse of such member.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to shipment provided on or after that date.

SEC. 633. TRAVEL AND TRANSPORTATION ALLOWANCES FOR MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES ON LEAVE FOR SUSPENSION OF TRAINING.

(a) ALLOWANCES AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 411j the following new section:

''§ 411k. Travel and transportation allowances: travel performed by certain members of the reserve components of the armed forces in connection with leave for suspension of training

''(a) ALLOWANCE AUTHORIZED.—The Secretary concerned may reimburse or provide transportation to a member of a reserve component of the armed forces on active duty for a period of more than 30 days who is performing duty at a temporary duty station for travel between the member's temporary duty station and the member's permanent duty station in connection with authorized leave pursuant to a suspension of training.

''(b) MINIMUM DISTANCE BETWEEN STATIONS.—A member may be paid for or provided transportation under subsection (a) only as follows:

''(1) In the case of a member who travels between a temporary duty station and permanent duty station by air transportation, if the distance between such stations is not less than 300 miles.

''(2) In the case of a member who travels between a temporary duty station and permanent duty station by ground transportation, if the distance between such stations is more than the normal commuting distance from the permanent duty station (as determined under the regulations prescribed under subsection (e)).

''(c) MINIMUM PERIOD OF SUSPENSION OF TRAINING.—A member may be paid for or provided transportation under subsection (a) only in connection with a suspension of training covered by that subsection that is five days or more in duration.

''(d) LIMITATION ON REIMBURSEMENT.—The amount a member may be paid under subsection (a) for travel may not exceed the amount that would be paid by the government (as determined under the regulations prescribed under subsection (e)) for the least expensive means of travel between the duty stations concerned.

''(e) REGULATIONS.—The Secretary concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 411j the following new item:

''411k. Travel and transportation allowances: travel performed by certain members of the reserve components of the armed forces in connection with leave for suspension of training.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to travel that occurs on or after that date.

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. PRESENTATION OF BURIAL FLAG TO THE SURVIVING SPOUSE AND CHILDREN OF MEMBERS OF THE ARMED FORCES WHO DIE IN SERVICE.

Section 1482(a) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(12) Presentation of a flag of equal size to the flag presented under paragraph (10) to the surviving spouse (regardless of whether the surviving spouse remarries after the decedent's death), if the person to be presented the flag under paragraph (10) is other than the surviving spouse.

''(13) Presentation of a flag of equal size to the flag presented under paragraph (10) to each child, regardless of whether the person to be presented a flag under paragraph (10) is a child of the decedent. For purposes of this paragraph, the term 'child' has the meaning prescribed by section 1477(d) of this title''.

SEC. 642. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e);

(ii) by striking subsection (k); and

(iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking ''does not apply—'' and all that follows and inserting ''does not apply in the case of a deduction made through administrative error.''; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking '', 1450(k)(2),''.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking ''Except as provided in paragraph (2)(B), the Secretary concerned'' and inserting ''The Secretary concerned''; and

(2) in paragraph (2)—

(A) by striking ''DEPENDENT CHILDREN.—'' and all that follows through ''In the case of a member described in paragraph (1),'' and inserting ''DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1),''; and

(B) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

Subtitle E—Other Matters

SEC. 651. SEPARATION PAY, TRANSITIONAL HEALTH CARE, AND TRANSITIONAL COMMISSARY AND EXCHANGE BENEFITS FOR MEMBERS OF THE ARMED FORCES SEPARATED UNDER SURVIVING SON OR DAUGHTER POLICY.

(a) AVAILABILITY OF SEPARATION PAY OTHERWISE AVAILABLE FOR INVOLUNTARY SEPARATION.—

(1) IN GENERAL.—A member of the Armed Forces who is separated from the Armed Forces under the Surviving Son or Daughter policy of the Department of Defense before the member completes twenty years of service in the Armed Force shall be entitled to separation pay payable under section 1174 of title 10, United States Code.

(2) NO MINIMUM SERVICE BEFORE SEPARATION.—A member of the Armed Forces described in paragraph (1) who is separated from the Armed Forces as described in that paragraph is entitled to separation pay under that paragraph without regard to section 1174(c) of title 10, United States Code.

(3) INAPPLICABILITY OF REQUIREMENT FOR SERVICE IN READY RESERVE.—Section 1174(e) of title 10, United States Code, shall not apply to a member of the Armed Forces described in paragraph (1) who is separated from the Armed Forces as described in that paragraph.

(4) AMOUNT OF PAY.—The amount of the separation pay to be paid to a member pursuant to this subsection shall be based on the years of active service actually completed by the member before the member's separation

from the Armed Forces as described in paragraph (1).

(b) TRANSITIONAL HEALTH CARE.—

(1) IN GENERAL.—A member of the Armed Forces who is separated from the Armed Forces under the Surviving Son or Daughter policy of the Department of Defense is entitled to health care benefits under section 1145 of title 10, United States Code, as if such member were an individual described by subsection (a)(2) of such section.

(2) DEPENDENTS.—The dependents of a member entitled to health care benefits under paragraph (1) are entitled to health care benefits in the same manner with respect to such member as dependents of members of the Armed Forces are entitled to such benefits with respect to such members under section 1145 of title 10, United States Code.

(c) TRANSITIONAL COMMISSARY AND EXCHANGE BENEFITS.—A member of the Armed Forces who is separated from the Armed Forces under the Surviving Son or Daughter policy of the Department of Defense is entitled to continue to use commissary and exchange stores and morale, welfare, and recreational facilities in the same manner as a member on active duty in the Armed Forces during the two-year period beginning on the later of the following dates:

(1) The date of the separation of the member.

(2) The date on which the member is first notified of the members entitlement to benefits under this subsection.

(d) SURVIVING SON OR DAUGHTER POLICY OF THE DEPARTMENT OF DEFENSE DEFINED.—In this section, the term ''Surviving Son or Daughter policy of the Department of Defense'' means the policy of the Department of Defense for the separation from the Armed Forces of a member of the Armed Forces who is a son or daughter in a family in which the father, mother, or another son or daughter—

(1) has been killed in action or died while serving in the Armed Forces from a wound, accident, or disease;

(2) is a member of the Armed Forces in a captured or missing-in-action status; or

(3) has a service-connected disability rated 100 percent disabling (including a disability of 100 percent mental disability), as determined by the Secretary of Veterans Affairs or the Secretary of the military department concerned, and is not gainfully employed because of such disability.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE Program

SEC. 701. CALCULATION OF MONTHLY PREMIUMS FOR COVERAGE UNDER TRICARE RESERVE SELECT AFTER 2008.

(a) IN GENERAL.—Section 1076d(d)(3) of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(3)'';

(2) in subparagraph (A), as so designated, by striking the second sentence; and

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

''(B) The appropriate actuarial basis for purposes of subparagraph (A) shall be determined as follows:

''(i) For calendar year 2009, by utilizing the reported cost of providing benefits under this section to members and their dependents during calendar years 2006 and 2007.

''(ii) For each calendar year after calendar year 2009, by utilizing the actual cost of providing benefits under this section to members and their dependents during the calendar years preceding such calendar year.''.

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

Subtitle B—Other Health Care Authorities

SEC. 711. ENHANCEMENT OF MEDICAL AND DENTAL READINESS OF MEMBERS OF THE ARMED FORCES.

(a) EXPANSION OF AVAILABILITY OF MEDICAL AND DENTAL SERVICES FOR RESERVES.—

(1) EXPANSION OF AVAILABILITY FOR RESERVES ASSIGNED TO UNITS SCHEDULED FOR DEPLOYMENT WITHIN 75 DAYS OF MOBILIZATION.—Subsection (d)(1) of section 1074a of title 10, United States Code, is amended by striking ''The Secretary of the Army shall provide to members of the Selected Reserve of the Army'' and inserting ''The Secretary concerned shall provide to members of the Selected Reserve''.

(2) AVAILABILITY FOR CERTAIN OTHER RESERVES.—Such section is further amended by adding at the end the following new subsection:

''(g)(1) The Secretary concerned may provide to any member of the Selected Reserve not described in subsection (d)(1) or (f), and to any member of the Individual Ready Reserve with a specially designated deployment responsibility, the medical and dental services specified in subsection (d)(1) if the Secretary determines that the receipt of such services by such member is necessary to ensure that the member meets applicable standards of medical and dental readiness.

''(2) Services may not be provided to a member under this subsection for a condition that is the result of the member's own misconduct.

''(3) The services provided under this subsection shall be provided at no cost to the member.''.

(3) FUNDING.—Such section is further amended by adding at the end the following new subsection:

''(h) Amounts available for operation and maintenance of a reserve component of the armed forces may be available for purposes of this section to ensure the medical and dental readiness of members of such reserve component.''.

(b) WAIVER OF CERTAIN COPAYMENTS FOR DENTAL CARE FOR RESERVES FOR READINESS PURPOSES.—Section 1076a(e) of such title is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by striking ''A member or dependent'' and inserting ''(1) Except as provided pursuant to paragraph (2), a member or dependent''; and

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

''(2) During a national emergency declared by the President or Congress, the Secretary of Defense may waive, whether in whole or in part, the charges otherwise payable by a member of the Selected Reserve of the Ready Reserve or a member of the Individual Ready Reserve under paragraph (1) for the coverage of the member alone under the dental insurance plan established under subsection (a)(1) if the Secretary determines that such waiver of the charges would facilitate or ensure the readiness of a unit or individual for a scheduled deployment.''.

(c) REPORT ON POLICIES AND PROCEDURES IN SUPPORT OF MEDICAL AND DENTAL READINESS.—

(1) IN GENERAL.—Not later than March 1, 2009, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the policies and procedures of the Department of Defense to ensure the medical and dental readiness of members of the Armed Forces.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the current standards of each military department with respect to the medical and dental readiness of individual members of the Armed Forces (including members of the regular components and members of the reserve components), and with respect to the medical and dental readiness of units of the Armed Forces (including units of the regular components and units of the reserve components), under the jurisdiction of such military department.

(B) A description of the manner in which each military department applies the standards described under subparagraph (A) with respect to each of the following:

(i) Performance evaluation.

(ii) Promotion.

(iii) In the case of the members of the reserve components, eligibility to attend annual training.

(iv) Continued retention in service in the Armed Forces.

(v) Such other matters as the Secretary considers appropriate.

(C) A statement of the number of members of the Armed Forces (including members of the regular components and members of the reserve components) who were determined to be not ready for deployment at any time during the period beginning on October 1, 2001, and ending on September 30, 2008, due to failure to meet applicable medical or dental standards, and an assessment of whether the unreadiness of such members for deployment could reasonably have been mitigated by actions of the members concerned to maintain individual medical or dental readiness.

(D) A description of any actual or perceived barriers to the achievement of full medical and dental readiness in the Armed Forces (including among the regular components and the reserve components), including, but not limited to, barriers associated with the following:

(i) Quality or cost of, or access to, medical and dental care.

(ii) Availability of programs and incentives intended to prevent medical or dental problems.

(E) Such recommendations for legislative or administrative action as the Secretary considers appropriate to ensure the medical and dental readiness of individual members of the Armed Forces and units of the Armed Forces, including, but not limited to, recommendations regarding the following:

(i) The advisability of requiring that fitness reports of members of the Armed Forces include—

(I) a statement of whether or not a member meets medical and dental readiness standards for deployment; and

(II) in cases in which a member does not meet such standard, a statement of actions being taken to ensure that the member meets such standards and the anticipated schedule for meeting such standards.

(ii) The advisability of establishing a mandatory promotion standard relating to individual medical and dental readiness and, in the case of a unit commander, unit medical and dental readiness.

SEC. 712. ADDITIONAL AUTHORITY FOR STUDIES AND DEMONSTRATION PROJECTS RELATING TO DELIVERY OF HEALTH AND MEDICAL CARE.

Section 1092(a) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(3) The Secretary of Defense may include in the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to provide awards and incentives to members of the armed forces and covered beneficiaries who obtain health promotion and disease prevention health care services in accordance with terms and schedules prescribed by the Secretary. Such awards and incentives may include, but are not limited to, cash awards

and, in the case of members of the armed forces, personnel incentives.

''(4)(A) The Secretary of Defense may, in consultation with the other administering Secretaries, include in the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to provide awards or incentives to individual health care professionals under the authority of such Secretaries, including members of the uniformed services, Federal civilian employees, and contractor personnel, to encourage and reward effective implementation of innovative health care programs designed to improve quality, cost-effectiveness, health promotion, medical readiness, and other priority objectives. Such awards and incentives may include, but are not limited to, cash awards and, in the case of members of the armed forces, personnel incentives.

''(B) Amounts available for the pay of members of the uniformed services shall be available for awards and incentives under this paragraph with respect to members of the uniformed services.

''(5) The Secretary of Defense may include in the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to improve the medical and dental readiness of members of reserve components of the armed forces, including the provision of health care services to such members for which they are not otherwise entitled or eligible under this chapter.

''(6) The Secretary of Defense may include in the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to improve the continuity of health care services for family members of mobilized members of the reserve components of the armed forces who are eligible for such services under this chapter, including payment of a stipend for continuation of employer-provided health coverage during extended periods of active duty.''.

SEC. 713. TRAVEL FOR ANESTHESIA SERVICES FOR CHILDBIRTH FOR DEPENDENTS OF MEMBERS ASSIGNED TO VERY REMOTE LOCATIONS OUTSIDE THE CONTINENTAL UNITED STATES.

Section 1040(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)''; and

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

''(2)(A) For purposes of paragraph (1), required medical attention of a dependent shall include anesthesia services for childbirth for the dependent equivalent to the anesthesia services for childbirth that would be available to the dependent in military treatment facilities located in the United States.

''(B) In the case of a dependent in a remote location outside the continental United States who elects services authorized by subparagraph (A), the transportation authorized in paragraph (1) may consist of transportation to a military treatment facility providing such services that is located in the continental United States nearest to the closest port of entry into the continental United States from such remote location.

''(C) The second through sixth sentences of paragraph (1) shall apply to a dependent provided transportation under this paragraph.

''(D) Notwithstanding any other provision of this paragraph, the total cost incurred by the United States for the provision of transportation and expenses (including per diem) with respect to a dependent under this paragraph may not exceed the cost the United States would otherwise incur for the provision of transportation and expenses with respect to the dependent under paragraph (1) if the transportation and expenses were provided to the dependent under paragraph (1) rather than this paragraph.''.

Subtitle C—Other Health Care Matters

SEC. 721. REPEAL OF PROHIBITION ON CONVERSION OF MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSITIONS.

(a) REPEAL.—Subsection (a) of section 721 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 198; 10 U.S.C. 129c note) is repealed.

(b) REVIVAL OF CERTIFICATION AND REPORT REQUIREMENTS ON CONVERSION OF POSITIONS.—

(1) IN GENERAL.—The provisions of subsections (a) and (b) of section 742 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2306), as in effect on January 27, 2008 (the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008), are hereby revived.

(2) APPLICABLE DEFINITIONS.—In the discharge of subsections (a) and (b) of section 742 of the John Warner National Defense Authorization Act for Fiscal Year 2007, as revived by paragraph (1), the following definitions shall apply:

(A) The definitions in paragraphs (1) through (4) of section 742(f) of the John Warner National Defense Authorization Act for Fiscal Year 2007, as in effect on January 27, 2008.

(B) The definition in section 721(d)(4) of the National Defense Authorization Act for Fiscal Year 2008.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

SEC. 801. INCLUSION OF MAJOR SUBPROGRAMS TO MAJOR DEFENSE ACQUISITION PROGRAMS UNDER ACQUISITION REPORTING REQUIREMENTS.

(a) AUTHORITY TO DESIGNATE MAJOR SUBPROGRAMS AS SUBJECT TO ACQUISITION REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Chapter 144 of title 10, United States Code, is amended by inserting after section 2430 following new section:

''§ 2430a. Major subprograms

''(a) AUTHORITY TO DESIGNATE MAJOR SUBPROGRAMS AS SUBJECT TO ACQUISITION REPORTING REQUIREMENTS.—(1) If the Secretary of Defense determines that a major defense acquisition program requires the delivery of two or more categories of end items which differ significantly from each other in form and function, the Secretary may designate each such category of end items as a major subprogram for the purposes of acquisition reporting under this chapter.

''(2) The Secretary shall notify the congressional defense committees in writing of any proposed designation pursuant to paragraph (1) not less than 30 days before the date such designation takes effect.

''(b) REPORTING REQUIREMENTS.—If the Secretary designates a major subprogram of a major defense acquisition program in accordance with subsection (a), Selected Acquisition Reports, unit cost reports, and program baselines under this chapter shall reflect cost, schedule, and performance information—

''(1) for the major defense acquisition program as a whole; and

''(2) for each major subprogram of the major defense acquisition program so designated.

''(c) UNIT COSTS.—Notwithstanding paragraphs (1) and (2) of section 2432(a) of this title, in the case of a major defense acquisition program for which the Secretary has designated one or more major subprograms under this section for the purposes of this chapter—

''(1) the term 'program acquisition unit cost' means the total cost for the development and procurement of, and specific military construction for, the major defense acquisition program that is reasonably allocable to each such major subprogram, divided by the relevant number of fully-configured end items to be produced under such major subprogram; and

''(2) the term 'procurement unit cost' means the total of all funds programmed to be available for obligation for procurement for each such major subprogram, divided by the number of fully-configured end items to be procured under such major subprogram.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of such title is amended by inserting after the item relating to section 2430 the following new item:

''2430a. Major subprograms.''.

(b) CONFORMING AMENDMENTS.—Chapter 144 of such title is further amended as follows:

(1) In section 2432—

(A) in subsection (c)—

(i) in paragraph (1)(B)—

(I) by inserting ''or designated major subprogram'' after ''for each major defense acquisition program''; and

(II) by inserting ''or subprogram'' after ''the program'';

(ii) in paragraph (3)(A), by inserting ''or designated major subprogram'' after ''for each major defense acquisition program''; and

(B) in subsection (e)—

(i) in paragraph (3), by inserting before the period the following: ''for the program (or for each designated major subprogram under the program)''; and

(ii) in paragraph (5), by inserting before the period the following: ''(or for each designated major subprogram under the program)''.

(2) In section 2433—

(A) in subsection (a)—

(i) by striking ''The terms'' and inserting ''Except as provided in section 2430a(c) of this title, the terms'';

(ii) in paragraph (4)—

(I) in subparagraphs (A) and (B), by inserting ''or designated major defense subprogram'' after ''major defense acquisition program''; and

(II) by inserting ''or subprogram'' after ''the program'' each place it appears; and

(iii) in paragraph (5)—

(I) in subparagraphs (A) and (B), by inserting ''or designated major defense subprogram'' after ''major defense acquisition program''; and

(II) by inserting ''or subprogram'' after ''the program'' each place it appears;

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by inserting ''(and for each designated major subprogram under the program'' after ''unit costs of the program'';

(ii) in paragraph (1), by inserting before the period the following: ''for the program (or for each designated major subprogram under the program)'';

(iii) in paragraph (2), by inserting before the period the following: ''for the program (or for each designated major subprogram under the program)''; and

(iv) in paragraph (5), by inserting ''or subprogram'' after ''the program'' each place it appears (other than the last place it appears);

(C) in subsection (c)—

(i) by striking ''the program acquisition unit cost for the program or the procurement unit cost for the program'' and inserting ''the program acquisition unit cost for the program (or for a designated major subprogram under the program) or the procurement unit cost for the program (or for such a subprogram)''; and

(ii) by striking ''for the program'' after ''significant cost growth threshold'';

(D) in subsection (d)—

(i) in paragraph (1)—

(I) by inserting ''or any designated major subprogram under the program'' after ''for the program'' the first place it appears; and

(II) by inserting ''or subprogram'' after ''the program'' the second place it appears;

(ii) in paragraph (2)—

(I) by inserting ''or any designated major subprogram under the program'' after ''the program'' the first place it appears; and

(II) by inserting ''or subprogram'' after ''the program'' the second place it appears; and

(iii) in paragraph (3), by striking ''such program'' and inserting ''the program or subprogram concerned'';

(E) in subsection (e)—

(i) in paragraph (1)—

(I) in subparagraph (A)—

(aa) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(bb) by inserting ''or subprogram'' after ''the program''; and

(II) in subparagraph (B)—

(aa) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(bb) by inserting ''or subprogram'' after ''that program'';

(ii) in paragraph (2)—

(I) in the matter preceding subparagraph (A)—

(aa) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(bb) by inserting ''or subprogram'' after ''the program'';

(II) in subparagraph (A), by inserting ''or subprogram'' after ''program'' each place it appears;

(III) in subparagraph (B), by inserting ''or subprogram'' after ''such acquisition program'' each place it appears; and

(IV) in subparagraph (C), by inserting ''or subprogram'' after ''such program''; and

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A)—

(aa) by inserting ''or subprogram concerned'' after ''the program''; and

(bb) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(II) in subparagraphs (A) and (B), by inserting ''or subprogram'' after ''that program'' each place it appears; and

(F) in subsection (g)—

(i) in paragraph (1)—

(I) in subparagraph (D), by inserting ''(and for each designated major subprogram under the program)'' after ''the program'';

(II) in subparagraph (E), by inserting ''for the program (and for each designated major subprogram under the program)'' after ''program acquisition cost'';

(III) in subparagraph (F), by inserting before the period the following: ''for the program (or for any designated major subprogram under the program)'';

(IV) in subparagraph (J), by inserting ''for the program (or for each designated major subprogram under the program)'' after ''program acquisition unit cost'';

(V) in subparagraph (K), by inserting ''for the program (or for each designated major subprogram under the program)'' after ''procurement unit cost''; and

(VI) in subparagraph (O), by inserting before the period the following: ''for the program (or for any designated major subprogram under the program)''; and

(ii) in paragraph (2)—

(I) by inserting ''or designated major subprogram'' after ''major defense acquisition program'';

(II) by inserting ''or subprogram'' after ''the entire program''; and

(III) by inserting ''or subprogram'' after ''a program''.

SEC. 802. INCLUSION OF CERTAIN MAJOR INFORMATION TECHNOLOGY INVESTMENTS IN ACQUISITION OVERSIGHT AUTHORITIES FOR MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS.

(a) DEFINITIONS.—

(1) IN GENERAL.—Section 2445a of title 10, United States Code, is amended—

(A) in subsection (a), by striking ''IN GENERAL'' and inserting ''MAJOR AUTOMATED INFORMATION SYSTEM PROGRAM''; and

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

''(d) OTHER MAJOR INFORMATION TECHNOLOGY INVESTMENT PROGRAM.—In this chapter, the term 'other major information technology investment program' means the following:

''(1) An investment that is designated by the Secretary of Defense, or a designee of the Secretary, as a 'pre-Major Automated Information System' or 'pre-MAIS' program.

''(2) Any other investment in automated information system products or services that is expected to exceed the thresholds established in subsection (a), as adjusted under subsection (b), but is not considered to be a major automated information system program because a formal acquisition decision has not yet been made with respect to such investment.''.

(2) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 2445a. Definitions''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144A of such title is amended by striking the item relating to section 2445a and inserting the following new item:

''2445a. Definitions.''.

(b) COST, SCHEDULE, AND PERFORMANCE INFORMATION.—Section 2445b of such title is amended—

(1) in subsection (a), by inserting ''and each other major information technology investment program'' after ''each major automated information system program'';

(2) in subsection (b), by inserting ''REGARDING MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS'' after ''ELEMENTS''; and

(3) by adding at the end the following new subsection:

''(d) ELEMENTS REGARDING OTHER MAJOR INFORMATION TECHNOLOGY INVESTMENT PROGRAMS.—With respect to each other major information technology investment program, the information required by subsection (a) may be provided in the format that is most appropriate to the current status of the program.''.

(c) QUARTERLY REPORTS.—Section 2445c of such title is amended—

(1) in subsection (a)—

(A) by inserting ''or other major information technology investment'' after ''major automated information system'' the first place it appears; and

(B) by inserting ''or major information technology'' after ''major automated information system'' the second place it appears;

(2) in subsection (b)—

(A) by inserting ''or other major information technology investment'' after ''major automated information system'' in the matter preceding paragraph (1); and

(B) by inserting ''or information technology'' after ''automated information system'' each place it appears in paragraphs (1) and (2);

(3) in subsection (d)—

(A) in paragraph (1), by inserting ''or other major information technology investment'' after ''major automated information system''; and

(B) in paragraph (2)—

(i) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively; and

(ii) by striking subparagraph (A) and inserting the following new subparagraphs:

''(A) no Milestone B decision has been made after more than two years of investment in the program;

''(B) the system failed to achieve initial operational capability within three years after milestone B approval;'';

(iii) in subparagraph (C), as redesignated by clause (i) of this subparagraph, by inserting before the semicolon the following: ''or section 2445b(d) of this title, as applicable'';

(iv) in subparagraph (D), as so redesignated, by inserting before the semicolon the following: ''or section 2445b(d) of this title, as applicable''; and

(v) in subparagraph (E), as so redesignated—

(I) by inserting ''or major information technology'' after ''major automated information system''; and

(II) by inserting before the period the following: ''or section 2445b(d) of this title, as applicable'';

(4) in subsection (e), by inserting ''or other major information technology investment'' after ''major automated information system''; and

(5) in subsection (f)—

(A) by inserting ''or other major information technology investment'' after ''major automated information system'' in the matter preceding paragraph (1);

(B) in paragraph (1), by inserting ''or information technology'' after ''automated information system'';

(C) in paragraph (2), by inserting ''or technology'' after ''the system''; and

(D) in paragraph (3), by inserting ''or technology, as applicable,'' after ''the program and system''.

SEC. 803. CONFIGURATION STEERING BOARDS FOR COST CONTROL UNDER MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) CONFIGURATION STEERING BOARDS.—Each Secretary of a military department shall establish one or more boards (to be known as a ''Configuration Steering Board'') for the major defense acquisition programs of such department.

(b) COMPOSITION.—

(1) CHAIR.—Each Configuration Steering Board under this section shall be chaired by the service acquisition executive of the military department concerned.

(2) PARTICULAR MEMBERS.—Each Configuration Steering Board under this section shall include a representative of the following:

(A) The Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(B) The Chief of Staff of the Armed Force concerned.

(C) The Joint Staff.

(D) The Comptroller of the military department concerned.

(E) The military deputy to the service acquisition executive concerned.

(F) The program executive officer for the major defense acquisition program concerned.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Configuration Steering Board for a major defense acquisition program under this section shall be responsible for the following:

(A) Preventing unnecessary changes to program requirements and system configuration that could have an adverse impact on program cost or schedule.

(B) Mitigating the adverse cost and schedule impact of any changes to program requirements that may be required.

(C) Ensuring that the program delivers as much planned capability as possible, consistent with the program baseline.

(2) DISCHARGE OF RESPONSIBILITIES.—In discharging its responsibilities under this section with respect to a major defense acquisition program, a Configuration Steering Board shall—

(A) review and approve or disapprove any proposed changes to program requirements or system configuration that have the potential to adversely impact program cost or schedule; and

(B) review and recommend proposals to reduce program requirements that have the potential to improve program cost or schedule in a manner consistent with program objectives.

(3) PRESENTATION RECOMMENDATIONS ON REDUCTION IN REQUIREMENTS.—Any recommendation for a proposed reduction in requirements that is made by a Configuration Steering Board under paragraph (2)(B) shall be presented to appropriate organizations of the Joint Staff and the military departments responsible for such requirements for review and approval in accordance with applicable procedures.

(4) ANNUAL CONSIDERATION OF EACH MAJOR DEFENSE ACQUISITION PROGRAM.—The Secretary of the military department concerned shall ensure that a Configuration Steering Board under this section meets to consider each major defense acquisition program of such military department at least once each year.

(d) APPLICABILITY.—

(1) IN GENERAL.—The requirements of this section shall apply with respect to any major defense acquisition program that is commenced before, on, or after the date of the enactment of this Act.

(2) CURRENT PROGRAMS.—In the case of any major defense acquisition program that is ongoing as of the date of the enactment of this Act, a Configuration Steering Board under this section shall be established for such program not later than 60 days after the date of the enactment of this Act.

(e) GUIDANCE ON AUTHORITIES OF PROGRAM MANAGERS AFTER MILESTONE B.—

(1) MODIFICATION OF GUIDANCE ON AUTHORITIES.—Paragraph (2) of section 853(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2343) is amended to read as follows:

''(2) authorities available to the program manager, including—

''(A) the authority to object to the addition of new program requirements that would be inconsistent with the parameters established at Milestone B (or Key Decision Point B in the case of a space program) and reflected in the performance agreement, unless such requirements are approved by the appropriate Configuration Steering Board; and

''(B) the authority to recommend to the appropriate Configuration Steering Board reduced program requirements that have the potential to improve program cost or schedule in a manner consistent with program objectives; and''.

(2) APPLICABILITY.—The Secretary of Defense shall modify the guidance described in section 853(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 in order to take into account the amendment made by paragraph (1) not later than 60 days after the date of the enactment of this Act.

(f) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—In this section, the term ''major defense acquisition program'' has the meaning given that term in section 2430(a) of title 10, United States Code.

Subtitle B—Acquisition Policy and Management

SEC. 811. INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE BY CERTAIN NON-DEFENSE AGENCIES.

(a) INSPECTOR GENERAL REVIEWS AND DETERMINATIONS.—

(1) IN GENERAL.—For each covered non-defense agency, the Inspector General of the Department of Defense and the Inspector General of such non-defense agency shall, not later than March 15, 2009, jointly—

(A) review—

(i) the procurement policies, procedures, and internal controls of such non-defense agency that are applicable to the procurement of property and services on behalf of the Department by such non-defense agency; and

(ii) the administration of those policies, procedures, and internal controls; and

(B) determine in writing whether—

(i) such non-defense agency is compliant with defense procurement requirements;

(ii) such non-defense agency is not compliant with defense procurement requirements, but has a program or initiative to significantly improve compliance with defense procurement requirements;

(iii) neither of the conclusions stated in clauses (i) and (ii) is correct in the case of such non-defense agency; or

(iv) such non-defense agency is not compliant with defense procurement requirements to such an extent that the interests of the Department of Defense are at risk in procurements conducted by such non-defense agency.

(2) ACTIONS FOLLOWING CERTAIN DETERMINATIONS.—If the Inspectors General determine under paragraph (1) that the conclusion stated in clause (ii), (iii), or (iv) of subparagraph (B) of that paragraph is correct in the case of a covered non-defense agency, such Inspectors General shall, not later than June 15, 2010, jointly—

(A) conduct a second review, as described in subparagraph (A) of that paragraph, regarding such non-defense agency's procurement of property or services on behalf of the Department of Defense in fiscal year 2009; and

(B) determine in writing whether such non-defense agency is or is not compliant with defense procurement requirements.

(b) COMPLIANCE WITH DEFENSE PROCUREMENT REQUIREMENTS.—For the purposes of this section, a covered non-defense agency is compliant with defense procurement requirements if such non-defense agency's procurement policies, procedures, and internal controls applicable to the procurement of products and services on behalf of the Department of Defense, and the manner in which they are administered, are adequate to ensure such non-defense agency's compliance with the requirements of laws and regulations that apply to procurements of property and services made directly by the Department of Defense.

(c) MEMORANDA OF UNDERSTANDING BETWEEN INSPECTORS GENERAL.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Inspector General of the Department of Defense and the Inspector General of each covered non-defense agency shall enter into a memorandum of understanding with each other to carry out the reviews and make the determinations required by this section.

(2) SCOPE OF MEMORANDA.—The Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency may by mutual agreement conduct separate reviews of the procurement of property and services on behalf of the Department of Defense that are conducted by separate business units, or under separate governmentwide acquisition contracts, of such non-defense agency. In any case where such separate reviews are conducted, the Inspectors General shall make separate determinations under paragraph (1) or (2) of subsection (a), as applicable, with respect to each such separate review.

(d) LIMITATIONS ON PROCUREMENTS ON BEHALF OF DEPARTMENT OF DEFENSE.—

(1) LIMITATION DURING REVIEW PERIOD.—After March 15, 2009, and before June 16, 2010, no official of the Department of Defense may, except as provided in subsection (e) or (f), order, purchase, or otherwise procure property or services in an amount in excess of $100,000 through a covered non-defense agency for which a determination described in clause (iii) or (iv) of paragraph (1)(B) of subsection (a) has been made under subsection (a).

(2) LIMITATION AFTER REVIEW PERIOD.—After June 15, 2010, no official of the Department of Defense may, except as provided in subsection (e) or (f), order, purchase, or otherwise procure property or services in an amount in excess of $100,000 through a covered non-defense agency that, having been subject to review under this section, has not been determined under this section as being compliant with defense procurement requirements.

(3) LIMITATION FOLLOWING FAILURE TO REACH MOU.—Commencing on the date that is 60 days after the date of the enactment of this Act, if a memorandum of understanding between the Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency cannot be attained causing the review required by this section to not be performed, no official of the Department of Defense, except as provided in subsection (e) or (f), may order, purchase or otherwise procure property or services in an amount in excess of $100,000 through such non-defense agency.

(e) EXCEPTION FROM APPLICABILITY OF LIMITATIONS.—

(1) EXCEPTION.—No limitation applies under subsection (d) with respect to the procurement of property and services on behalf of the Department of Defense by a covered non-defense agency during any period that there is in effect a determination of the Under Secretary of Defense for Acquisition, Technology, and Logistics, made in writing, that it is necessary in the interest of the Department of Defense to continue to procure property and services through such non-defense agency.

(2) APPLICABILITY OF DETERMINATION.—A written determination with respect to a covered non-defense agency under paragraph (1) is in effect for the period, not in excess of one year, that the Under Secretary shall specify in the written determination. The Under Secretary may extend from time to time, for up to one year at a time, the period for which the written determination remains in effect.

(f) TERMINATION OF APPLICABILITY OF LIMITATIONS.—Subsection (d) shall cease to apply to a covered non-defense agency on the date on which the Inspector General of the Department of Defense and the Inspector General of such non-defense agency jointly—

(1) determine that such non-defense agency is compliant with defense procurement requirements; and

(2) notify the Secretary of Defense of that determination.

(g) IDENTIFICATION OF PROCUREMENTS MADE DURING A PARTICULAR FISCAL YEAR.—For the purposes of subsection (a), a procurement

shall be treated as being made during a particular fiscal year to the extent that funds are obligated by the Department of Defense for that procurement in that fiscal year.

(h) RESOLUTION OF DISAGREEMENTS.—If the Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency are unable to agree on a joint determination under subsection (a) or (f), a determination by the Inspector General of the Department of Defense under such subsection shall be conclusive for the purposes of this section.

(i) DEFINITIONS.—In this section:

(1) The term ''covered non-defense agency'' means each of the following:

(A) The Department of Commerce.

(B) The Department of Energy.

(2) The term ''governmentwide acquisition contract'', with respect to a covered non-defense agency, means a task or delivery order contract that—

(A) is entered into by the non-defense agency; and

(B) may be used as the contract under which property or services are procured for one or more other departments or agencies of the Federal Government.

(j) MODIFICATION OF CERTAIN ADDITIONAL AUTHORITIES ON INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF DOD.—Section 801 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 202; 10 U.S.C. 2304 note) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by striking ''each of the Department of the Treasury, the Department of the Interior, and the National Aeronautics and Space Administration'' and inserting ''the Department of the Interior''; and

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

''(D) In the case of each of the Department of Commerce and the Department of Energy, by not later than March 15, 2015.''; and

(2) in subsection (f)(2)—

(A) by striking subparagraphs (B) and (D);

(B) by redesignating subparagraphs (C), (E), and (F) as subparagraphs (B), (C), and (D), respectively; and

(C) by adding at the end the following new subparagraphs:

''(E) The Department of Commerce.

''(F) The Department of Energy.''.

SEC. 812. CONTINGENCY CONTRACTING CORPS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2334. Contingency Contracting Corps

''(a) ESTABLISHMENT.—The Secretary of Defense shall establish within the Department of Defense a Contingency Contracting Corps (in this section, referred to as the 'Corps') to ensure the Department has the capability, when needed, to support contingency contracting actions in a deployed environment. The members of the Corps shall be available for deployment in connection with contingency operations both within and outside the continental United States, including reconstruction efforts relating thereto.

''(b) MEMBERSHIP.—Membership in the Corps shall be voluntary and open to all employees of the Department of Defense, including uniformed members of the Armed Forces, who are members of the defense acquisition workforce, as designated under section 1721 of this title.

''(c) EDUCATION AND TRAINING.—The Secretary of Defense may establish additional educational and training requirements for members of the Corps.

''(d) CLOTHING AND EQUIPMENT.—The Secretary of Defense may identify any necessary clothing and equipment requirements for members of the Corps.

''(e) SALARY.—The salaries for members of the Corps shall be paid by the Department of Defense out of existing appropriations.

''(f) AUTHORITY TO DEPLOY THE CORPS.—The Secretary of Defense, or the Secretary's designee, shall have the authority to determine when members of the Corps shall be deployed.

''(g) ANNUAL REPORT.—(1) The Secretary of Defense shall provide to the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives an annual report on the status of the Contingency Contracting Corps.

''(2) At a minimum, each report under paragraph (1) shall include the number of members of the Contingency Contracting Corps, the fully burdened cost of operating the program, the number of deployments of members of the program, and the performance of members of the program in deployment.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by adding at the end the following new item:

''2334. Contingency Contracting Corps.''.

SEC. 813. EXPEDITED REVIEW AND VALIDATION OF URGENT REQUIREMENTS DOCUMENTS.

(a) GUIDANCE FOR EXPEDITED PRESENTATION TO APPROPRIATE AUTHORITIES FOR REVIEW AND VALIDATION.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to the Secretaries of the military departments and the Chiefs of Staff of the Armed Forces to ensure that each urgent requirements document submitted by an operational field commander is presented to the appropriate authority for review and validation not later than 60 days after date on which such document is so submitted.

(b) DEFINITIONS.—In this section:

(1) The term ''urgent requirements document'' means the following:

(A) A Joint Urgent Operational Needs (JUON) document.

(B) An Army operational need statement (ONS).

(C) A Navy rapid deployment capability (RDC) document or Navy urgent operational need (UON) statement.

(D) An Air Force combat capability document (CCD).

(E) A Marine Corps urgent universal need statement (UUNS).

(F) A combat-mission need statement (CMNS) of the United States Special Operations Command.

(2) The term ''appropriate authority'' means the following:

(A) In the case of a Joint Urgent Operational Needs document, a Functional Capabilities Board or Joint Capabilities Board.

(B) In the case of an Army operational need statement, the Deputy Chief of Staff of the Army for Operations and Plans.

(C) In the case of a Navy rapid deployment capability document or Navy urgent operational need statement, the Assistant Secretary of the Navy for Research, Development, and Acquisition.

(D) In the case of an Air Force combat capability document, the commander of the lead major command of the Air Force.

(E) In the case of a Marine Corps urgent universal need statement, the Marine Requirements Oversight Council.

(F) In the case of a combat-mission need statement of the United States Special Operations Command, the Requirements Directorate of the United States Special Operations Command.

SEC. 814. INCORPORATION OF ENERGY EFFICIENCY REQUIREMENTS INTO KEY PERFORMANCE PARAMETERS FOR FUEL CONSUMING SYSTEMS.

(a) IMPLEMENTATION PLAN.—Not later than one year after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall develop an implementation plan for the incorporation of energy efficiency requirements into key performance parameters for the modification of existing fuel consuming systems of the Department of Defense and the development of new fuel consuming systems. The implementation plan shall include—

(1) policies, regulations, and directives to ensure that appropriate officials incorporate such energy efficiency requirements into such performance parameters; and

(2) a plan for implementing such requirements.

(b) REPORT.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit a report on the plan required under subsection (a), including an assessment of progress made in implementing requirements to incorporate energy efficiency requirements into key performance parameters for fuel consuming systems of the Department of Defense, as part of the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2010 and each fiscal year thereafter for five years (as submitted with the budget of the President under section 1105(a) of title 31, United States Code).

Subtitle C—Amendments Relating to General Contracting Authorities, Procedures, and Limitations

SEC. 821. MULTIYEAR PROCUREMENT AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR THE PURCHASE OF ALTERNATIVE AND SYNTHETIC FUELS.

(a) MULTIYEAR PROCUREMENT AUTHORIZED.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2410r. Multiyear procurement authority: purchase of alternative and synthetic fuels

''(a) MULTIYEAR CONTRACTS AUTHORIZED.—Subject to subsections (b) and (c), the head of an agency may enter into contracts for a period not to exceed 10 years for the purchase of alternative fuels or synthetic fuels.

''(b) LIMITATIONS ON CONTRACTS FOR PERIODS IN EXCESS OF FIVE YEARS.—The head of an agency may exercise the authority in subsection (a) to enter a contract for a period in excess of five years only if the head of the agency determines in writing, on the basis of a business case analysis prepared by the agency, that—

''(1) the proposed purchase of fuels under such contract is cost effective for the agency;

''(2) it would not be possible to purchase fuels from the source in an economical manner without the use of a contract for a period in excess of five years; and

''(3) the contract will comply with the requirements of subsection (c) and section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142).

''(c) LIMITATION ON LIFECYCLE GREENHOUSE GAS EMISSIONS.—The head of an agency may not purchase alternative fuels or synthetic fuels under the authority in subsection (a) unless the contract specifies that lifecycle greenhouse gas emissions associated with the production and combustion of the fuels to be provided under the contract are not greater than such emissions from conventional petroleum-based fuels that are used in the same application.

''(d) DEFINITIONS.—In this section:

''(1) The term 'head of an agency' has the meaning given that term in section 2302(1) of this title.

''(2) The term 'alternative fuel' has the meaning given that term in section 301(2) of the Energy Policy Act of 1992 (42 U.S.C. 13211(2)).

''(3) The term 'synthetic fuel' means any liquid, gas, or combination thereof that—

''(A) can be used as a substitute for petroleum or natural gas (or any derivative thereof, including chemical feedstocks); and

''(B) is produced by chemical or physical transformation of domestic sources of energy.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by adding at the end the following new item:

''2410r. Multiyear procurement authority: purchase of alternative and synthetic fuels.''.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations providing that the head of an agency may initiate a multiyear contract as authorized by section 2410r of title 10, United States Code (as added by subsection (a)), only if the head of the agency has determined in writing that—

(A) there is a reasonable expectation that throughout the contemplated contract period the head of the agency will request funding for the contract at the level required to avoid contract cancellation;

(B) there is a stable design for all related technologies to the purchase of alternative and synthetic fuels as so authorized;

(C) the technical risks associated with such technologies are not excessive;

(D) the multiyear contract will contain appropriate pricing mechanisms to minimize risk to the government from significant changes in market prices for energy;

(E) there is in place a regulatory regime adequate to ensure compliance with the requirements of section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1663; 42 U.S.C. 17142) and other applicable environmental laws; and

(F) the contractor has received all regulatory approvals necessary for the production of the alternative and synthetic fuels to be supplied under the contract.

(2) MINIMUM ANTICIPATED SAVINGS.—The regulations required by paragraph (1) shall provide that, in any case in which the estimated total expenditure under a multiyear contract (or several multiyear contracts with the same prime contractor) under section 2410r of title 10, United States Code (as so added), are anticipated to be more than (or, in the case of several contracts, the aggregate of which is anticipated to be more than) $540,000,000 (in fiscal year 1990 constant dollars), the head of an agency may initiate such contract under such section only upon a finding that use of such contract will result in savings exceeding 10 percent of the total anticipated costs of procuring an equivalent amount of fuel for the same application through other means. If such estimated savings will exceed 5 percent of the total anticipated costs of procuring an equivalent amount of fuel for the same application through other means, but not exceed 10 percent of such costs, the head of the agency may initiate such contract under such section only upon a finding in writing that an exceptionally strong case has been made with regard to findings required in paragraph (1).

(3) LIMITATION ON USE OF AUTHORITY.—No contract may be entered into under the authority in section 2410r of title 10, United States Code (as so added), until the regulations required by paragraph (1) are prescribed.

(c) RELATIONSHIP TO OTHER MULTIYEAR CONTRACTING AUTHORITY.—Nothing in this section or the amendments made by this section shall be construed to preclude the Department of Defense from using other applicable multiyear contracting authority of the Department of Defense to purchase energy, including renewable energy.

SEC. 822. MODIFICATION AND EXTENSION OF PILOT PROGRAM FOR TRANSITION TO FOLLOW-ON CONTRACTS UNDER AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

(a) EXPANSION OF SCOPE OF PILOT PROGRAM.—Paragraph (1) of section 845(e) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended by striking ''under prototype projects carried out under this section'' and inserting ''developed under prototype projects carried out under this section or research projects carried out pursuant to section 2371 of title 10, United States Code''.

(b) FOUR-YEAR EXTENSION OF AUTHORITY.—Paragraph (4) of such section is amended by striking ''September 30, 2008'' and inserting ''September 30, 2012''.

SEC. 823. EXCLUSION OF CERTAIN FACTORS IN CONSIDERATION OF COST ADVANTAGES OF OFFERS FOR CERTAIN DEPARTMENT OF DEFENSE CONTRACTS.

Not later than 90 days after the date of the enactment of this Act, the Department of Defense Supplement to the Federal Acquisition Regulation shall be revised to ensure that, in any competition for a contract with a value in excess of $10,000,000, an offeror does not receive an advantage for a proposal that would reduce costs for the Department of Defense as a consequence of any corporate structure a principal purpose of which is to enable the offeror to avoid the payment of taxes to the Federal Government or any State government, including taxes imposed under subtitle C of the Internal Revenue Code of 1986 and any similar taxes imposed by a State government, for or on behalf of employees of the offeror or any subsidiary or affiliate of the offeror.

Subtitle D—Department of Defense Contractor Matters

SEC. 831. DATABASE FOR DEPARTMENT OF DEFENSE CONTRACTING OFFICERS AND SUSPENSION AND DEBARMENT OFFICIALS.

(a) IN GENERAL.—Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall establish and maintain a database of information regarding integrity and performance of certain persons awarded Department of Defense contracts for use by Department of Defense officials having authority over contracts.

(b) PERSONS COVERED.—The database shall cover any person awarded a Department of Defense contract in excess of $500,000 if any information described in subsection (c) exists with respect to such person.

(c) INFORMATION INCLUDED.—With respect to a person awarded a Department of Defense contract, the database shall include information (in the form of a brief description) for at least the most recent 5-year period regarding the following:

(1) Each civil or criminal proceeding, or any administrative proceeding, in connection with the award or performance of a contract with the Federal Government or, to the maximum extent practicable, a State government with respect to the person during the period to the extent that such proceeding results in the following dispositions:

(A) In a criminal proceeding, a conviction.

(B) In a civil proceeding, a finding of liability that results in the payment of a monetary fine, penalty, reimbursement, restitution, or damages of $5,000 or more.

(C) In an administrative proceeding, a finding of liability that results in—

(i) the payment of a monetary fine or penalty of $5,000 or more; or

(ii) the payment of a reimbursement, restitution, or damages in excess of $100,000.

(D) In a civil or administrative proceeding, a disposition of the matter by consent or compromise if the proceeding could have led to any of the outcomes specified in subparagraph (A), (B), or (C).

(2) Each Federal contract and grant awarded to the person that was terminated in such period due to default.

(3) Each Federal suspension and debarment of the person in that period.

(4) Each Federal administrative agreement entered into by the person and the Federal Government in that period to resolve a suspension or debarment proceeding and, to the maximum extent practicable, each agreement involving a suspension or debarment proceeding entered into by the person and a State government in that period.

(5) Each final finding by a Federal official in that period that the person has been determined not to be a responsible source under either subparagraph (C) or (D) of section 4(7) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(7)).

(d) REQUIREMENTS RELATING TO INFORMATION IN DATABASE.—

(1) DIRECT INPUT AND UPDATE.—The Under Secretary shall design and maintain the database in a manner that allows the appropriate officials of the Department of Defense to directly input and update in the information in the database relating to actions such officials have taken with regard to contractors.

(2) TIMELINESS AND ACCURACY.—The Under Secretary shall develop policies to require—

(A) the timely and accurate input of information into the database;

(B) notification of any covered person when information relevant to the person is entered into the database; and

(C) an opportunity for any covered person to submit comments pertaining to information about such person in the database.

(e) USE OF DATABASE.—

(1) AVAILABILITY TO GOVERNMENT OFFICIALS.—The Under Secretary shall ensure that the database is available to all acquisition professionals of the Department of Defense and to Congress. This subsection does not limit the availability of the database to other Department of Defense officials or to government officials outside the Department of Defense that the Under Secretary determines warrant access.

(2) REVIEW AND ASSESSMENT OF DATA.—

(A) IN GENERAL.—Before awarding a contract in excess of $500,000, the Department of Defense official responsible for awarding the contract shall review the database and shall consider information in the database with regard to any offer, along with other past performance information available with respect to that offeror, in making any responsibility determination or past performance evaluation for such offeror.

(B) DOCUMENTATION IN CONTRACT FILE.—The contract file for each contract of the Department of Defense in excess of $500,000 shall document the manner in which the material in the database was considered in any responsibility determination or past performance evaluation.

(f) DISCLOSURE IN APPLICATIONS.—Not later than 180 days after the date of the enactment of this Act, the Defense Supplement to the Federal Acquisition Regulation shall be amended to require that persons with Department of Defense contracts valued in total greater than $10,000,000 must semiannually submit to the Under Secretary a report that includes the information subject to inclusion in the database as listed in paragraphs (1) through (5) of subsection (c).

SEC. 832. ETHICS SAFEGUARDS FOR EMPLOYEES UNDER CERTAIN CONTRACTS FOR THE PERFORMANCE OF ACQUISITION FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS.

(a) CONTRACT CLAUSE REQUIRED.—Each contract (or task or delivery order) in excess of $500,000 that calls for the performance of acquisition functions closely associated with inherently governmental functions for or on behalf of the Department of Defense shall include a contract clause addressing financial conflicts of interests of contractor employees who will be responsible for the performance of such functions.

(b) CONTENTS OF CONTRACT CLAUSE.—The contract clause required by subsection (a) shall, at a minimum—

(1) require the contractor to prohibit any employee of the contractor from performing any functions described in subsection (a) under such a contract (or task or delivery order) relating to a program, company, contract, or other matter in which the employee (or a member of the employee's immediate family) has a financial interest without the express written approval of the contracting officer;

(2) require the contractor to obtain, review, update, and maintain as part of its personnel records a financial disclosure statement from each employee assigned to perform functions described in paragraph (1) under such a contract (or task or delivery order) that is sufficient to enable the contractor to ensure compliance with the requirements of paragraph (1);

(3) require the contractor to prohibit any employee of the contractor who is responsible for performing functions described in paragraph (1) under such a contract (or task or delivery order) relating to a program, company, contract, or other matter from accepting a gift from the affected company or from an individual or entity that has a financial interest in the program, contract, or other matter;

(4) require the contractor to prohibit contractor personnel who have access to nonpublic government information obtained while performing work on such a contract (or task or delivery order) from using such information for personal gain;

(5) require the contractor to take appropriate disciplinary action in the case of employees who fail to comply with prohibitions established pursuant to this section;

(6) require the contractor to promptly report any failure to comply with the prohibitions established pursuant to this section to the contracting officer for the applicable contract or contracts;

(7) include appropriate definitions of the terms ''financial interest'' and ''gift'' that are similar to the definitions in statutes and regulations applicable to Federal employees;

(8) establish appropriate contractual penalties for failures to comply with the requirements of paragraphs (1) through (6); and

(9) provide such additional safeguards, definitions, and exceptions as may be necessary to safeguard the public interest.

(c) FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS DEFINED.—In this section, the term ''functions closely associated with inherently governmental functions'' has the meaning given that term in section 2383(b)(3) of title 10, United States Code.

(d) EFFECTIVE DATE.—This section shall take effect 30 days after the date of the enactment of this Act, and shall apply to—

(1) contracts entered on or after that effective date; and

(2) task or delivery orders awarded on or after that effective date, regardless of whether the contracts pursuant to which such task or delivery orders are awarded are entered before, on, or after the date of the enactment of this Act.

SEC. 833. INFORMATION FOR DEPARTMENT OF DEFENSE CONTRACTOR EMPLOYEES ON THEIR WHISTLEBLOWER RIGHTS.

(a) IN GENERAL.—The Secretary of Defense shall prescribe in regulations a policy for informing employees of a contractor of the Department of Defense of their whistleblower rights and protections under section 2409 of title 10, United States Code, as implemented by subpart 3.9 of part I of title 48, Code of Federal Regulations.

(b) ELEMENTS.—The regulations required by subsection (a) shall include requirements as follows:

(1) Employees of Department of Defense contractors shall be notified in writing of the provisions of section 2409 of title 10, United States Code.

(2) Notice to employees of Department of Defense contractors under paragraph (1) shall state that the restrictions imposed by any employee agreement or nondisclosure agreement shall not supersede, conflict with, or otherwise alter the employee rights created by section 2409 of title 10, United States Code, or the regulations implementing such section.

(c) CONTRACTOR DEFINED.—In this section, the term ''contractor'' has the meaning given that term in section 2409(e)(4) of title 10, United States Code.

Subtitle E—Matters Relating to Iraq and Afghanistan

SEC. 841. PERFORMANCE BY PRIVATE SECURITY CONTRACTORS OF INHERENTLY GOVERNMENTAL FUNCTIONS IN AN AREA OF COMBAT OPERATIONS.

(a) MODIFICATION OF REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the regulations issued by the Secretary of Defense pursuant to section 862(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 254; 10 U.S.C. 2302 note) shall be modified to ensure that private security contractors are not authorized to perform inherently governmental functions in an area of combat operations.

(b) ELEMENTS.—The modification of regulations pursuant to subsection (a) shall provide, at a minimum, each of the following:

(1) That security operations for the protection of resources (including people, information, equipment, and supplies) in uncontrolled or unpredictable high threat environments are inherently governmental functions if such security operations—

(A) will be performed in highly hazardous public areas where the risks are uncertain and could reasonably be expected to require deadly force that is more likely to be initiated by personnel performing such security operations than by others; or

(B) could reasonably be expected to require immediate discretionary decisions on the appropriate course of action or the acceptable level of risk (such as judgments on the appropriate level of force, acceptable level of collateral damage, and whether the target is friend or foe), the outcome of which could significantly affect the life, liberty, or property of private persons or the international relations of the United States.

(2) That the agency awarding the contract has appropriate mechanisms in place to ensure that private security contractors operate in a manner consistent with the regulations issued by the Secretary of Defense pursuant to such section 862(a), as modified pursuant to this section.

(c) PERIODIC REVIEW OF PERFORMANCE OF FUNCTIONS.—

(1) IN GENERAL.—The Secretary of Defense shall, in coordination with the heads of other appropriate agencies, periodically review the performance of private security functions in areas of combat operations to ensure that such functions are authorized and performed in a manner consistent with the requirements of this section.

(2) REPORTS.—Not later than June 1 of each of 2009, 2010, and 2011, the Secretary shall submit to the congressional defense committees a report on the results of the most recent review conducted under paragraph (1).

SEC. 842. ADDITIONAL CONTRACTOR REQUIREMENTS AND RESPONSIBILITIES RELATING TO ALLEGED CRIMES BY OR AGAINST CONTRACTOR PERSONNEL IN IRAQ AND AFGHANISTAN.

(a) IN GENERAL.—Section 861(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 253; 10 U.S.C. 2302 note) is amended by adding the following new paragraphs:

''(7) Mechanisms for ensuring that contractors are required to report offenses described in paragraph (6) that are alleged to have been committed by or against contractor personnel to appropriate investigative authorities.

''(8) Responsibility for providing victim and witness protection and assistance to contractor employees and other persons supporting the mission of the United States Government in Iraq or Afghanistan in connection with alleged offenses described in paragraph (6).''.

(b) IMPLEMENTATION.—The memorandum of understanding required by section 861(a) of the National Defense Authorization Act for Fiscal Year 2008 shall be modified to address the requirements under the amendment made by subsection (a) not later than 90 days after the date of the enactment of this Act.

SEC. 843. CLARIFICATION AND MODIFICATION OF AUTHORITIES RELATING TO THE COMMISSION ON WARTIME CONTRACTING IN IRAQ AND AFGHANISTAN.

(a) NATURE OF COMMISSION.—Subsection (a) of section 841 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 230) is amended by inserting ''in the legislative branch'' after ''There is hereby established''.

(b) PAY AND ANNUITIES OF MEMBERS AND STAFF ON FEDERAL REEMPLOYMENT.—Subsection (e) of such is amended by adding at the end the following new paragraph:

''(8) PAY AND ANNUITIES OF MEMBERS AND STAFF ON FEDERAL REEMPLOYMENT.—If warranted by circumstances described in subparagraph (A) or (B) of section 8344(i)(1) of title 5, United States Code, or by circumstances described in subparagraph (A) or (B) of section 8468(f)(1) of such title, as applicable, a co-chairman of the Commission may exercise, with respect to the members and staff of the Commission, the same waiver authority as would be available to the Director of the Office of Personnel Management under such section.''.

(c) EFFECTIVE DATE.—

(1) NATURE OF COMMISSION.—The amendment made by subsection (a) shall take effect as of January 28, 2008, as if included in the enactment of the National Defense Authorization Act for Fiscal Year 2008.

(2) PAY AND ANNUITIES.—The amendment made by subsection (b) shall apply to members and staff of the Commission on Wartime

Contracting in Iraq and Afghanistan appointed or employed, as the case may be, on or after that date.

SEC. 844. COMPREHENSIVE AUDIT OF SPARE PARTS PURCHASES AND DEPOT OVERHAUL AND MAINTENANCE OF EQUIPMENT FOR OPERATIONS IN IRAQ AND AFGHANISTAN.

(a) AUDITS REQUIRED.—The Army Audit Agency, the Navy Audit Service, and the Air Force Audit Agency shall each conduct thorough audits to identify potential waste, fraud, and abuse in the performance of the following:

(1) Department of Defense contracts, subcontracts, and task and delivery orders for—

(A) depot overhaul and maintenance of equipment for the military in Iraq and Afghanistan; and

(B) spare parts for military equipment used in Iraq and Afghanistan; and

(2) Department of Defense in-house overhaul and maintenance of military equipment used in Iraq and Afghanistan.

(b) COMPREHENSIVE AUDIT PLAN.—

(1) PLANS.—The Army Audit Agency, the Navy Audit Service, and the Air Force Audit Agency shall, in coordination with the Inspector General of the Department of Defense, develop a comprehensive plan for a series of audits to discharge the requirements of subsection (a).

(2) INCORPORATION INTO REQUIRED AUDIT PLAN.—The plan developed under paragraph (1) shall be submitted to the Inspector General of the Department of Defense for incorporation into the audit plan required by section 842(b)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 234; 10 U.S.C. 2302 note).

(c) INDEPENDENT CONDUCT OF AUDIT FUNCTIONS.—All audit functions performed under this section, including audit planning and coordination, shall be performed in an independent manner.

(d) AVAILABILITY OF RESULTS.—All audit reports resulting from audits under this section shall be made available to the Commission on Wartime Contracting in Iraq and Afghanistan established pursuant to section 841 of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 230).

Subtitle F—Other Matters

SEC. 851. EXPEDITED HIRING AUTHORITY FOR THE DEFENSE ACQUISITION WORKFORCE.

(a) IN GENERAL.—For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the Secretary of Defense may—

(1) designate any category of acquisition positions within the Department of Defense as shortage category positions; and

(2) utilize the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

(b) TERMINATION OF AUTHORITY.—The Secretary may not appoint a person to a position of employment under this section after September 30, 2012.

SEC. 852. SPECIFICATION OF SECRETARY OF DEFENSE AS "SECRETARY CONCERNED" FOR PURPOSES OF LICENSING OF INTELLECTUAL PROPERTY FOR THE DEFENSE AGENCIES AND DEFENSE FIELD ACTIVITIES.

Subsection (e) of section 2260 of title 10, United States Code, is amended to read as follows:

''(e) DEFINITIONS.—In this section:

''(1) The terms 'trademark', 'service mark', 'certification mark', and 'collective mark' have the meanings given such terms in section 45 of the Act of July 5, 1946 (commonly referred to as the Trademark Act of 1946; 15 U.S.C. 1127).

''(2) The term 'Secretary concerned' includes the Secretary of Defense, with respect to matters concerning the Defense Agencies and the defense field activities.''.

SEC. 853. REPEAL OF REQUIREMENTS RELATING TO THE MILITARY SYSTEM ESSENTIAL ITEM BREAKOUT LIST.

Section 813 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1543) is repealed.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

SEC. 901. MODIFICATION OF STATUS OF ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS.

Section 142 of title 10, United States Code, is amended by adding at the end the following:

''(c) The Assistant to the Secretary shall be considered an Assistant Secretary of Defense for purposes of section 138(d) of this title.''.

SEC. 902. PARTICIPATION OF DEPUTY CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE ON DEFENSE BUSINESS SYSTEM MANAGEMENT COMMITTEE.

(a) PARTICIPATION.—Subsection (a) of section 186 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Deputy Chief Management Officer of the Department of Defense.''.

(b) SERVICE AS VICE CHAIRMAN.—The second sentence of subsection (b) of such section is amended to read as follows: ''The Deputy Chief Management Officer of the Department of Defense shall serve as vice chairman of the Committee, and shall act as chairman in the absence of the Deputy Secretary of Defense.''.

SEC. 903. REPEAL OF OBSOLETE LIMITATIONS ON MANAGEMENT HEADQUARTERS PERSONNEL.

(a) REPEAL.—The following provisions of title 10, United States Code, are repealed:

(1) Section 143.

(2) Section 194.

(3) Subsection (f) of section 3014.

(4) Subsection (f) of section 5014.

(5) Subsection (f) of section 8014.

(b) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 143.

(2) The table of sections at the beginning of chapter 8 of such title is amended by striking the item relating to section 194.

SEC. 904. GENERAL COUNSEL TO THE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

Section 8 of the Inspector General Act of 1978 (50 U.S.C. App. 8) is amended by adding at the end the following new subsection:

''(h)(1) There is a General Counsel to the Inspector General of the Department of Defense, who shall be appointed by the Inspector General of the Department of Defense.

''(2)(A) Notwithstanding section 140(b) of title 10, United States Code, the General Counsel is the chief legal officer of the Office of the Inspector General.

''(B) The Inspector General is the exclusive legal client of the General Counsel.

''(C) The General Counsel shall perform such functions as the Inspector General may prescribe.

''(D) The General Counsel shall serve at the discretion of the Inspector General.

''(3) There is an Office of the General Counsel to the Inspector General of the Department of Defense. The Inspector General may appoint to the Office to serve as staff of the General Counsel such legal counsel as the Inspector General considers appropriate.''.

SEC. 905. ASSIGNMENT OF FORCES TO THE UNITED STATES NORTHERN COMMAND WITH PRIMARY MISSION OF MANAGEMENT OF THE CONSEQUENCES OF AN INCIDENT IN THE UNITED STATES HOMELAND INVOLVING A CHEMICAL, BIOLOGICAL, RADIOLOGICAL, OR NUCLEAR DEVICE, OR HIGH-YIELD EXPLOSIVES.

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

(1) As noted in the June 2005 Department of Defense Strategy for Homeland Defense and Civil Support, protecting the United States homeland from attack is the highest priority of the Department of Defense.

(2) As further noted in the June 2005 Department of Defense Strategy for Homeland Defense and Civil Support, ''[i]n the next ten years, terrorist groups, poised to attack the United States and actively seeking to inflict mass casualties or disrupt U.S. military operations, represent the most immediate challenge to the nation's security''.

(3) The Department of Defense established the United States Northern Command in October 2002 to provide command and control of the homeland defense efforts of the Department of Defense and to coordinate defense support of civil authorities, including defense support for Federal consequence management of chemical, biological, radiological, nuclear, or high-yield explosive incidents.

(4) The Commission on the National Guard and Reserves and the Government Accountability Office have criticized the capacity of the Department of Defense to respond to an incident in the United States homeland involving a chemical, biological, radiological, or nuclear device, or high-yield explosives due to a lack of capabilities to handle simultaneous weapons of mass destruction events and a lack of coordination and planning with the Department of Homeland Security and State and local governments.

(5) According to testimony to Congress by the Commander of United States Northern Command, the Secretary of Defense has directed that a full-time, dedicated force be trained and equipped by the end of fiscal year 2008 to provide defense support to civil authorities in the case of a chemical, biological, radiological, nuclear, or high-yield explosive incident within the United States. This force is to be assigned to the Commander of the United States Northern Command, and is to be followed by two additional such forces, comprised of units of the regular components of the Armed Forces and units and personnel of the National Guard, and Reserve, to be established over the course of fiscal years 2009 and 2010.

(6) The Department of Defense and United States Northern Command have begun the process of identifying, training, equipping, and assigning forces for the mission of managing the consequences of chemical, biological, radiological, nuclear, or high-yield explosive incidents in the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department of Defense should, as part of a Government-wide effort, make every effort to help protect the citizens of this Nation from the threat of an attack on the United States homeland involving a chemical, biological, radiological, or nuclear device, or high-yield explosives by terrorists or other aggressors;

(2) efforts to establish forces for the mission of managing the consequences of chemical, biological, radiological, nuclear, or high-yield explosive incidents in the United States should receive the highest level of attention within the Department of Defense; and

(3) the additional forces necessary for that mission should be identified, trained,

equipped, and assigned to United States Northern Command as soon as possible.

(c) REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and one year and two years thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the progress made as of the date of such report in assigning to the United States Northern Command forces having the primary 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.

(2) ELEMENTS.—Each report submitted under paragraph (1) shall include the following:

(A) A description of the force structure, size, composition, and location of the units and personnel of the regular components of the Armed Forces, and the units and personnel of the reserve components of the Armed Forces, assigned to the United States Northern Command that have the primary 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.

(B) A description of the progress made in developing procedures to mobilize and demobilize units and personnel of the reserve components of the Armed Forces that are assigned to the United States Northern Command as described in subparagraph (A).

(C) A description of the progress being made in the training and certification of units and personnel that are assigned to United States Northern Command as described in subparagraph (A).

(D) An assessment of the need to establish a national training center for training units and personnel of the Armed Forces in the management of the consequences of an incident in the United States homeland as described in subparagraph (A).

(E) A description of the progress made in addressing the shortfalls in the management of the consequences of an incident in the United States homeland as described in subparagraph (A) that are identified in—

(i) the reports of the Comptroller General of the United States numbered GAO–08–251 and GAO–08–252; and

(ii) the report of the Commission on the National Guard and Reserve.

SEC. 906. BUSINESS TRANSFORMATION INITIATIVES FOR THE MILITARY DEPARTMENTS.

(a) IN GENERAL.—The Secretary of each military department shall, acting through the Chief Management Officer of such military department, carry out an initiative for the business transformation of such military department.

(b) OBJECTIVES.—The objectives of the business transformation initiative of a military department under this section shall include, at a minimum, the following:

(1) The development of a comprehensive business transformation plan, with measurable performance goals and objectives, to achieve an integrated management system for the business operations of the military department.

(2) The development of a well-defined enterprise-wide business systems architecture and transition plan encompassing end-to-end business processes and capable of providing accurately and timely information in support of business decisions of the military department.

(3) The implementation of the business transformation plan developed pursuant to paragraph (1) and the business systems architecture and transition plan developed pursuant to paragraph (2).

(c) BUSINESS TRANSFORMATION OFFICES.—

(1) ESTABLISHMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of each military department shall establish within such military department an office (to be known as the ''Office of Business Transformation'' of such military department) to assist the Chief Management Officer of such military department in carrying out the initiative required by this section for such military department.

(2) HEAD.—The Office of Business Transformation of a military department under this subsection shall be headed by a Director of Business Transformation, who shall be appointed by the Chief Management Officer of the military department, in consultation with the Director of the Business Transformation Agency of the Department of Defense, from among individuals with significant experience managing large-scale organizations or business transformation efforts.

(3) SUPERVISION.—The Director of Business Transformation of a military department under paragraph (2) shall report directly to the Chief Management Officer of the military department, subject to policy guidance from the Director of the Business Transformation Agency of the Department of Defense.

(4) AUTHORITY.—In carrying out the initiative required by this section for a military department, the Director of Business Transformation of the military department under paragraph (2) shall have the authority to require elements of the military department to carry out actions that are within the purpose and scope of the initiative.

(d) RESPONSIBILITIES OF BUSINESS TRANSFORMATION OFFICES.—The Office of Business Transformation of a military department established pursuant to subsection (b) shall be responsible for the following:

(1) Transforming the budget, finance, and accounting operations of the military department in a manner that is consistent with the business transformation plan developed pursuant to subsection (b)(1).

(2) Eliminating or replacing financial management systems of the military department that are inconsistent with the business systems architecture and transition plan developed pursuant to subsection (b)(2).

(3) Ensuring that the business transformation plan and the business systems architecture and transition plan are implemented in a manner that is aggressive, realistic, and accurately measured.

(e) REQUIRED ELEMENTS.—In carrying out the initiative required by this section for a military department, the Chief Management Officer and the Director of Business Transformation of the military department shall ensure that each element of the initiative is consistent with—

(1) the requirements of the Business Enterprise Architecture and Transition Plan developed by the Secretary of Defense pursuant to section 2222 of title 10, United States Code;

(2) the Standard Financial Information Structure of the Department of Defense;

(3) the Federal Financial Management Improvement Act of 1996 (and the amendments made by that Act); and

(4) other applicable requirements of law and regulation.

(f) REPORTS ON IMPLEMENTATION.—

(1) INITIAL REPORTS.—Not later than six months after the date of the enactment of this Act, the Chief Management Officer of each military department shall submit to the congressional defense committees a report on the actions taken, and on the actions planned to be taken, by such military department to implement the requirements of this section.

(2) UPDATES.—Not later than March 1 of each of 2010, 2011, and 2012, the Chief Management Officer of each military department shall submit to the congressional defense committees a current update of the report submitted by such Chief Management Officer under paragraph (1).

Subtitle B—Space Matters

SEC. 911. SPACE POSTURE REVIEW.

(a) REQUIREMENT FOR COMPREHENSIVE REVIEW.—In order to clarify the national security space policy and strategy of the United States for the near term, the Secretary of Defense and the Director of National Intelligence shall jointly conduct a comprehensive review of the space posture of the United States over the posture review period.

(b) ELEMENTS OF REVIEW.—The review conducted under subsection (a) shall include, for the posture review period, the following:

(1) The definition, policy, requirements, and objectives for each of the following:

(A) Space situational awareness.

(B) Space control.

(C) Space superiority, including defensive and offensive counterspace and protection.

(D) Force enhancement and force application.

(E) Space-based intelligence and surveillance and reconnaissance from space.

(F) Integration of space and ground control and user equipment.

(G) Any other matter the Secretary considers relevant to understanding the space posture of the United States.

(2) A description of current and planned space acquisition programs that are in acquisition categories 1 and 2, including how each such program will address the policy, requirements, and objectives described under each of subparagraphs (A) through (G) of paragraph (1).

(3) A description of future space systems and technology development (other than such systems and technology in development as of the date of the enactment of this Act) necessary to address the policy, requirements, and objectives described under each of subparagraphs (A) through (G) of paragraph (1).

(4) An assessment of the relationship among the following:

(A) United States military space policy.

(B) National security space policy.

(C) National security space objectives.

(D) Arms control policy.

(E) Export control policy.

(5) An assessment of the effect of the military and national security space policy of the United States on the proliferation of weapons capable of targeting objects in space or objects on Earth from space.

(c) REPORT.—

(1) IN GENERAL.—Not later than December 1, 2009, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the congressional committees specified in paragraph (3) a report on the review conducted under subsection (a).

(2) FORM OF REPORT.—The report under this subsection shall be submitted in unclassified form, but may include a classified annex.

(3) COMMITTEES.—The congressional committees specified in this paragraph are—

(A) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(d) POSTURE REVIEW PERIOD DEFINED.—In this section, the term ''posture review period'' means the 10-year period beginning on February 1, 2009.

Subtitle C—Defense Intelligence Matters

SEC. 921. REQUIREMENT FOR OFFICERS OF THE ARMED FORCES ON ACTIVE DUTY IN CERTAIN INTELLIGENCE POSITIONS.

(a) IN GENERAL.—Effective as of October 1, 2008, the individual serving in each position specified in subsection (b) shall be a commissioned officer of the Armed Forces on active duty.

(b) SPECIFIED POSITIONS.—The positions specified in this subsection are the positions as follows:

(1) Principal deputy to the senior military officer serving as the Deputy Chief of the Army Staff for Intelligence.

(2) Principal deputy to the senior military officer serving as the Director of Intelligence for the Chief of Naval Operations.

(3) Principal deputy to the senior military officer serving as the Assistant to the Air Force Chief of Staff for Intelligence.

SEC. 922. TRANSFER OF MANAGEMENT OF INTELLIGENCE SYSTEMS SUPPORT OFFICE.

(a) TRANSFER OF MANAGEMENT GENERALLY.—

(1) TRANSFER.—Except as provided in subsection (b), management of the Intelligence Systems Support Office, and all programs and activities of that office as of April 1, 2008, including the Foreign Materials Acquisitions program, shall be transferred to the Defense Intelligence Agency.

(2) MANAGEMENT.—The programs and activities of the Intelligence Systems Support Office transferred under paragraph (1) shall, after transfer under that paragraph, be managed by the Director of the Defense Intelligence Agency.

(b) TRANSFER OF MANAGEMENT OF CENTER FOR INTERNATIONAL ISSUES RESEARCH.—

(1) TRANSFER.—Management of the Center for International Issues Research shall be transferred to the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

(2) MANAGEMENT.—The Center for International Issues Research shall, after transfer under paragraph (1), be managed by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

(c) DEADLINE FOR TRANSFERS OF MANAGEMENT.—The transfers of management required by subsections (a) and (b) shall occur not later than 30 days after the date of the enactment of this Act.

(d) LIMITATION ON CERTAIN AUTHORITY OF USD FOR INTELLIGENCE.—Effective as of December 1, 2008, the Under Secretary of Defense for Intelligence may not establish or maintain the capabilities as follows:

(1) A capability to execute programs of technology or systems development and acquisition.

(2) A capability to provide operational support to combatant commands.

SEC. 923. PROGRAM ON ADVANCED SENSOR APPLICATIONS.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall provide for the carrying out of a program on advanced sensor applications in order to provide for the evaluation by the Department of Defense on scientific and engineering grounds of foreign technology utilized for the detection and tracking of submarines.

(2) DESIGNATION.—The program under this section shall be known as the ''Advanced Sensor Applications Program''.

(b) RESPONSIBILITY FOR EXECUTION OF PROGRAM.—The program under this section shall be carried out by the Commander of the Naval Air Systems Command in consultation with the Program Executive Officer for Aviation of the Department of the Navy and the Director of Special Programs for the Chief of Naval Operations.

(c) PROGRAM REQUIREMENTS AND LIMITATIONS.—

(1) ACCESS TO CERTAIN INFORMATION.—In carrying out the program under this section, the Commander of the Naval Air Systems Command shall—

(A) have complete access to all United States intelligence relating to the detection and tracking of submarines; and

(B) be kept currently apprised of information and assessments of the Office of Naval Intelligence, the Defense Intelligence Agency, and the Central Intelligence Agency, and of information and assessments of the intelligence services of allies of the United States that are available to the United States, on matters relating to the detection and tracking of submarines.

(2) INDEPENDENCE OF PROGRAM.—The program under this section shall be carried out independently of the Office of Naval Intelligence, the Defense Intelligence Agency, the Central Intelligence Agency, and any other element of the intelligence community.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2009 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $5,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. INCORPORATION INTO ACT OF TABLES IN THE REPORT OF THE COMMITTEE ON ARMED SERVICES OF THE SENATE.

(a) INCORPORATION.—Each funding table in the report of the Committee on Armed Services of the Senate to accompany the bill S. _____ of the 110th Congress is hereby incorporated into this Act and is hereby made a requirement in law. Items in each such funding table shall be binding on agency heads in the same manner and to the same extent as if such funding table was included in the text of this Act, unless transfers of funding for such items are approved in accordance with established procedures.

(b) MERIT-BASED DECISIONS.—Decisions by agency heads to commit, obligate, or expend funds on the basis of any funding table incorporated into this Act pursuant to subsection (a) shall be based on authorized, transparent, statutory criteria, and merit-based decision-making in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, and other applicable provisions of law.

(c) ORAL AND WRITTEN COMMUNICATIONS.—No oral or written communication concerning any item in a funding table incorporated into this Act under subsection (a) shall supersede the requirements of subsection (b).

SEC. 1003. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2009.

(a) FISCAL YEAR 2009 LIMITATION.—The total amount contributed by the Secretary of Defense in fiscal year 2009 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) TOTAL AMOUNT.—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 2008, of funds appropriated for fiscal years before fiscal year 2009 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) AUTHORIZED AMOUNTS.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), $1,049,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), $408,788,000 for the Military Budget.

(d) DEFINITIONS.—For purposes of this section:

(1) COMMON-FUNDED BUDGETS OF NATO.—The term ''common-funded budgets of NATO'' means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) FISCAL YEAR 1998 BASELINE LIMITATION.—The term ''fiscal year 1998 baseline limitation'' means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. GOVERNMENT RIGHTS IN DESIGNS OF DEPARTMENT OF DEFENSE VESSELS, BOATS, CRAFT, AND COMPONENTS DEVELOPED USING PUBLIC FUNDS.

(a) IN GENERAL.—Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7317. Government rights in designs of Department of Defense vessels, boats, craft, and components developed using public funds

''(a) IN GENERAL.—Government rights in the design of a vessel, boat, or craft, and its components, including the hull, decks, superstructure, and all shipboard equipment and systems, developed in whole or in part using public funds shall be determined solely as follows:

''(1) In the case of a vessel, boat, craft, or component procured through a contract, in accordance with the provisions of section 2320 of this title.

''(2) In the case of a vessel, boat, craft, or component procured through an instrument not governed by section 2320 of this title, by the terms of the instrument (other than a contract) under which the design for such vessel, boat, craft, or component, as applicable, was developed for the Government.

''(b) CONSTRUCTION OF SUPERSEDING AUTHORITIES.—This section may be modified or superseded by a provision of statute only if such provision expressly refers to this section in modifying or superseding this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 633 of such title is amended by adding at the end the following new item:

''7317. Government rights in designs of Department of Defense vessels, boats, craft, and components developed using public funds.''.

SEC. 1012. REIMBURSEMENT OF EXPENSES FOR CERTAIN NAVY MESS OPERATIONS.

(a) IN GENERAL.—Amounts appropriated for operation and maintenance for the Navy may be used to pay the charge established under section 1011 of title 37, United States Code, for meals sold by messes for United States Navy and Naval Auxiliary vessels to the following:

(1) Members of nongovernmental organizations and officers or employees of host and foreign nations when participating in or providing support to United States civil-military operations.

(2) Foreign national patients treated on Naval vessels during the conduct of United States civil-military operations, and their escorts.

(b) EXPIRATION OF AUTHORITY.—The authority to pay for meals under subsection (a) shall expire on September 30, 2010.

Subtitle C—Counter-Drug Activities

SEC. 1021. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 371 note) is amended by striking ''through 2008'' and inserting ''through 2009''.

SEC. 1022. TWO-YEAR EXTENSION OF AUTHORITY FOR USE OF FUNDS FOR UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as amended by section 1023 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2382), is further amended—

(1) in subsection (a)(1), by striking ''through 2008'' and inserting ''through 2010''; and

(2) in subsection (c), by striking ''through 2008'' and inserting ''through 2010''.

Subtitle D—Miscellaneous Authorities and Limitations

SEC. 1031. PROCUREMENT BY STATE AND LOCAL GOVERNMENTS OF EQUIPMENT FOR HOMELAND SECURITY AND EMERGENCY RESPONSE ACTIVITIES THROUGH THE DEPARTMENT OF DEFENSE.

(a) EXPANSION OF PROCUREMENT AUTHORITY TO INCLUDE EQUIPMENT FOR HOMELAND SECURITY AND EMERGENCY RESPONSE ACTIVITIES.—

(1) PROCEDURES.—Subsection (a)(1) of section 381 of title 10, United States Code, is amended—

(A) in subsection (a)(1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''law enforcement''; and

(II) by inserting '', homeland security, and emergency response'' after ''counter-drug'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by inserting '', homeland security, or emergency response'' after ''counter-drug''; and

(II) in clause (i), by striking ''law enforcement'';

(iii) in subparagraph (C), by striking ''law enforcement'' each place it appears; and

(iv) in subparagraph (D), by striking ''law enforcement''.

(2) GSA CATALOG.—Subsection (c) of such section is amended—

(A) by striking ''law enforcement''; and

(B) by inserting '', homeland security, and emergency response'' after ''counter-drug''.

(3) DEFINITIONS.—Subsection (d) of such section is amended—

(A) in paragraph (2), by inserting ''or emergency response'' after ''law enforcement'' both places it appears; and

(B) in paragraph (3)—

(i) by striking ''law enforcement'';

(ii) by inserting '', homeland security, and emergency response'' after ''counter-drug''; and

(iii) by inserting ''and, in the case of equipment for homeland security activities, may not include any equipment that is not found on the Authorized Equipment List published by the Department of Homeland Security'' after ''purposes''.

(b) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

"§ 381. Procurement of equipment by State and local governments through the Department of Defense: equipment for counter-drug, homeland security, and emergency response activities".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 18 of such title is amended by striking the item relating to section 381 and inserting the following new item:

''381. Procurement of equipment by State and local governments through the Department of Defense: equipment for counter-drug, homeland security, and emergency response activities.''.

SEC. 1032. ENHANCEMENT OF THE CAPACITY OF THE UNITED STATES GOVERNMENT TO CONDUCT COMPLEX OPERATIONS.

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by adding the following new section:

"§ 409. Center for Complex Operations

''(a) CENTER AUTHORIZED.—The Secretary of Defense may establish within the Department of Defense a center to be known as the 'Center for Complex Operations' (in this section referred to as the 'Center').

''(b) PURPOSES.—The purposes of the Center established under subsection (a) shall be the following:

''(1) To provide for effective coordination in the preparation of Department of Defense personnel and other United States Government personnel for complex operations.

''(2) To foster unity of effort among the departments and agencies of the United States Government, foreign governments and militaries, international organizations, and nongovernmental organizations in their participation in complex operations.

''(3) To conduct research, collect, analyze, and distribute lessons learned, and compile best practices in matters relating to complex operations.

''(4) To identify gaps in the education and training of Department of Defense personnel, and other United States Government personnel, relating to complex operations, and to facilitate efforts to fill such gaps.

''(c) SUPPORT FROM OTHER UNITED STATES GOVERNMENT AGENCIES.—The head of any non-Department of Defense department or agency of the United States Government may—

''(1) provide to the Secretary of Defense services, including personnel support, to support the operations of the Center; and

''(2) transfer funds to the Secretary of Defense to support the operations of the Center.

''(d) ACCEPTANCE OF GIFTS AND DONATIONS.—(1) Subject to paragraph (3), the Secretary of Defense may accept from any source specified in paragraph (2) any gift or donation for purposes of defraying the costs or enhancing the operations of the Center.

''(2) The sources specified in this paragraph are the following:

''(A) The government of a State or a political subdivision of a State.

''(B) The government of a foreign country.

''(C) A foundation or other charitable organization, including a foundation or charitable organization that is organized or operates under the laws of a foreign country.

''(D) Any source in the private sector of the United States or a foreign country.

''(3) The Secretary may not accept a gift or donation under this subsection if acceptance of the gift or donation would compromise or appear to compromise—

''(A) the ability of the Department of Defense, any employee of the Department, or any member of the armed forces to carry out the responsibility or duty of the Department in a fair and objective manner; or

''(B) the integrity of any program of the Department or of any person involved in such a program.

''(4) The Secretary shall prescribe written guidance setting forth the criteria to be used in determining the applicability of paragraph (3) to any proposed gift or donation under this subsection.

''(e) CREDITING OF FUNDS TRANSFERRED OR ACCEPTED.—Funds transferred to or accepted by the Secretary of Defense under this section shall be credited to appropriations available to the Department of Defense for the Center, and shall be available for the same purposes, and subject to the same conditions and limitations, as the appropriations with which merged. Any funds so transferred or accepted shall remain available until expended.

''(f) DEFINITIONS.—In this section:

''(1) The term 'complex operation' means an operation as follows:

''(A) A stability operation.

''(B) A security operation.

''(C) A transition and reconstruction operation.

''(D) A counterinsurgency operation.

''(E) An operation consisting of irregular warfare.

''(2) The term 'gift or donation' means any gift or donation of funds, materials (including research materials), real or personal property, or services (including lecture services and faculty services).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title is amended by adding at the end the following new item:

''409. Center for Complex Operations.''.

SEC. 1033. CREDITING OF ADMIRALTY CLAIM RECEIPTS FOR DAMAGE TO PROPERTY FUNDED FROM A DEPARTMENT OF DEFENSE WORKING CAPITAL FUND.

Section 7623(b) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)'';

(2) in paragraph (1), as so designated, by striking the last sentence; and

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

''(2)(A) Except as provided in subparagraph (B), amounts received under this section shall be covered into the Treasury as miscellaneous receipts.

''(B) Amounts received under this section for damage or loss to property operated and maintained with funds from a Department of Defense working capital fund or account shall be credited to that fund or account.''.

SEC. 1034. MINIMUM ANNUAL PURCHASE REQUIREMENTS FOR AIRLIFT SERVICES FROM CARRIERS PARTICIPATING IN THE CIVIL RESERVE AIR FLEET.

(a) IN GENERAL.—Chapter 931 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 9515. Airlift services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet

''(a) IN GENERAL.—The Secretary of Defense may award to an air carrier or an air carrier contractor team arrangement participating in the Civil Reserve Air Fleet on a fiscal year basis a one-year contract for airlift services with a minimum purchase amount under such contract determined in accordance with this section.

''(b) ELIGIBLE CARRIERS.—In order to be eligible for payments under the minimum purchase amount provided by this section, an air carrier (or any air carrier participating in an air carrier contractor team arrangement)—

''(1) if under contract with the Department of Defense in the prior fiscal year, shall have an average on-time pick up rate, based on factors within such air carrier's control, of at least 90 percent;

''(2) shall offer such amount of commitment to the Civil Reserve Air Fleet in excess of the minimum required for participation in the Civil Reserve Air Fleet as the Secretary of Defense shall specify for purposes of this section; and

''(3) may not have refused a Department of Defense request to act as a host for other Civil Reserve Air Fleet carriers at intermediate staging bases during the prior fiscal year.

''(c) AGGREGATE MINIMUM PURCHASE AMOUNT.—(1) The aggregate amount of the minimum purchase amount for all contracts awarded under subsection (a) for a fiscal year shall be based on forecast needs, but may not exceed the amount equal to 80 percent of the average annual expenditure of the Department of Defense for commercial airlift services during the five-fiscal year period ending in the fiscal year before the fiscal year for which such contracts are awarded.

''(2) In calculating the average annual expenditure of the Department of Defense for airlift services for purposes of paragraph (1), the Secretary of Defense shall omit from the calculation any fiscal year exhibiting unusually high demand for commercial airlift services if the Secretary determines that the omission of such fiscal year from the calculation will result in a more accurate forecast of anticipated commercial airlift services for purposes of that paragraph.

''(d) ALLOCATION OF MINIMUM PURCHASE AMONG CONTRACTS.—(1) The aggregate amount of the minimum purchase amount for all contracts awarded under subsection (a) for a fiscal year, as determined under subsection (c), shall be allocated among all air carriers and air carrier contractor team arrangements awarded contracts under subsection (a) for such fiscal year in proportion to the commitments of such carriers to the Civil Reserve Air Fleet for such fiscal year.

''(2) In determining the minimum purchase amount payable under paragraph (1) under a contract under subsection (a) for airlift services provided by an air carrier or air carrier contractor team arrangement during the fiscal year covered by such contract, the Secretary of Defense may adjust the amount allocated to such carrier or arrangement under paragraph (2) to take into account periods during such fiscal year when airlift services of such carrier or a carrier in such arrangement are unavailable for usage by the Department of Defense, including during periods of refused business or suspended operations or when such carrier is placed in nonuse status pursuant to section 2640 of this title for safety reasons.

''(e) DISTRIBUTION OF AMOUNTS.—If any amount available under this section for the minimum purchase of airlift services from a carrier or air carrier contractor team arrangement for a fiscal year under a contract under subsection (a) is not utilized to purchase airlift services from the carrier or arrangement in such fiscal year, such amount shall be provided to the carrier or arrangement before the first day of the following fiscal year.

''(f) COMMITMENT OF FUNDS.—(1) The Secretary of each military department shall transfer to the transportation working capital fund a percentage of the total amount anticipated to be required in such fiscal year for the payment of minimum purchase amounts under all contracts awarded under subsection (a) for such fiscal year equivalent to the percentage of the anticipated use of airlift services by such military department during such fiscal year from all carriers under contracts awarded under subsection (a) for such fiscal year.

''(2) Any amounts required to be transferred under paragraph (1) shall be transferred by the last day of the fiscal year concerned to meet the requirements of subsection (e) unless minimum purchase amounts have already been distributed by the Secretary of Defense under subsection (e) as of that date.

''(g) AVAILABILITY OF AIRLIFT SERVICES.—(1) From the total amount of airlift services available for a fiscal year under all contracts awarded under subsection (a) for such fiscal year, a military department shall be entitled to obtain a percentage of such airlift services equal to the percentage of the contribution of the military department to the transportation working capital fund for such fiscal year under subsection (f).

''(2) A military department may transfer any entitlement to airlift services under paragraph (1) to any other military department or to any other agency, element, or component of the Department of Defense.

''(h) SUNSET.—The authorities in this section shall expire on December 31, 2015.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 941 of such title is amended by adding at the end the following new item:

''9515. Airlift services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet.''.

SEC. 1035. TERMINATION DATE OF BASE CONTRACT FOR THE NAVY-MARINE CORPS INTRANET.

Section 814 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–215), as amended by section 362 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1065) and Public Law 107–254 (116 Stat. 1733), is further amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection (j):

''(j) TERMINATION DATE OF BASE CONTRACT FOR NAVY-MARINE CORPS INTRANET.—Notwithstanding subsection (i), the base contract of the Navy-Marine Corps Intranet contract may terminate on October 31, 2010.''.

SEC. 1036. PROHIBITION ON INTERROGATION OF DETAINEES BY CONTRACTOR PERSONNEL.

(a) REGULATIONS REQUIRED.—Effective as of the date that is one year after the date of the enactment of this Act, the Department of Defense manpower mix criteria and the Department of Defense Supplement to the Federal Acquisition Regulation shall be revised to provide that—

(1) the interrogation of enemy prisoners of war, civilian internees, retained persons, other detainees, terrorists, and criminals when captured, transferred, confined, or detained during or in the aftermath of hostilities is an inherently governmental function and cannot be transferred to private sector contractors who are beyond the reach of controls otherwise applicable to government personnel; and

(2) properly trained and cleared contractors may be used as linguists, interpreters, report writers, and information technology technicians if their work is properly reviewed by appropriate government officials.

(b) PENALTIES.—The obligation or expenditure of Department of Defense funds for a contract that is not in compliance with the regulations issued pursuant to this section is a violation of section 1341(a)(1)(A) of title 31, United States Code.

SEC. 1037. NOTIFICATION OF COMMITTEES ON ARMED SERVICES WITH RESPECT TO CERTAIN NONPROLIFERATION AND PROLIFERATION ACTIVITIES.

(a) NOTIFICATION WITH RESPECT TO NONPROLIFERATION ACTIVITIES.—The Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, the Secretary of State, and the Nuclear Regulatory Commission shall keep the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives informed with respect to—

(1) any activities undertaken by any such Secretary or the Commission to carry out the purposes and policies of the Secretaries and the Commission with respect to nonproliferation programs; and

(2) any other activities undertaken by any such Secretary or the Commission to prevent the proliferation of nuclear, chemical, or biological weapons or the means of delivery of such weapons.

(b) NOTIFICATION WITH RESPECT TO PROLIFERATION ACTIVITIES IN FOREIGN NATIONS.—(1) IN GENERAL.—The Director of National Intelligence shall keep the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives fully and currently informed with respect to any activities of foreign nations that are significant with respect to the proliferation of nuclear, chemical, or biological weapons or the means of delivery of such weapons.

(2) FULLY AND CURRENTLY INFORMED DEFINED.—For purposes of paragraph (1), the

term ''fully and currently informed'' means the transmittal of credible information with respect to an activity described in such paragraph not later than 60 days after becoming aware of the activity.

SEC. 1038. SENSE OF CONGRESS ON NUCLEAR WEAPONS MANAGEMENT.

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

(1) The unauthorized transfer of nuclear weapons from Minot Air Force Base, North Dakota, to Barksdale Air Force Base, Louisiana, in August 2007 was an extraordinary breach of the command and control and security of nuclear weapons.

(2) The reviews conducted following that unauthorized transfer found that the ability of the Department of Defense to provide oversight of nuclear weapons matters had degenerated and that senior level attention to nuclear weapons management is minimal at best.

(3) The lack of attention to nuclear weapons and related equipment by the Department of Defense was demonstrated again when it was discovered in March 2008 that classified equipment from Minuteman III intercontinental ballistic missiles was inadvertently shipped to Taiwan in 2006.

(4) The Department of Defense has insufficient capability and staffing in the Office of the Under Secretary of Defense for Policy to provide the necessary oversight of the nuclear weapons functions of the Department.

(5) The key senior position responsible for nuclear weapons matters in the Department of Defense, the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, a position filled by appointment by and with the advice and consent of the Senate, has been vacant for more than 18 months.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should maintain clear and unambiguous command and control of its nuclear weapons;

(2) the safety and security of nuclear weapons and related equipment should be a high priority as long as the United States maintains a stockpile of nuclear weapons;

(3) the President should take immediate steps to nominate a qualified individual for the position of Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs; and

(4) the Secretary of Defense should establish and fill a senior position, at the level of Assistant Secretary or Deputy Under Secretary, within the Office of the Under Secretary of Defense for Policy to be responsible solely for the strategic and nuclear weapons policy of the Department of Defense.

SEC. 1039. SENSE OF CONGRESS ON JOINT DEPARTMENT OF DEFENSE-FEDERAL AVIATION ADMINISTRATION EXECUTIVE COMMITTEE ON CONFLICT AND DISPUTE RESOLUTION.

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

(1) Unmanned aerial systems (UAS) of the Department of Defense, like the Predator and the Global Hawk, have become a critical component of military operations. Unmanned aerial systems are indispensable in the conflict against terrorism and the campaigns in Afghanistan and Iraq.

(2) Unmanned aerial systems of the Department of Defense must operate in the National Airspace System (NAS) for training, operational support to the combatant commands, and support to domestic authorities in emergencies and national disasters.

(3) The Department of Defense has been lax in developing certifications of airworthiness for unmanned aerial systems, qualifications for operators of unmanned aerial systems, databases on safety matters relating to unmanned aerial systems, and standards, technology, and procedures that are necessary for routine access of unmanned aerial systems to the National Airspace System.

(4) As recognized in a Memorandum of Agreement for Operation of Unmanned Aircraft Systems in the National Airspace System signed by the Deputy Secretary of Defense and the Administrator of the Federal Aviation Administration in September 2007, it is vital for the Department of Defense and the Federal Aviation Administration to collaborate closely to achieve progress in gaining access for unmanned aerial systems to the National Airspace System to support military requirements.

(5) The Department of Defense and the Federal Aviation Administration have jointly and separately taken significant actions to improve the access of unmanned aerial systems of the Department of Defense to the National Airspace System, but overall, the pace of progress in access of such systems to the National Airspace System has been insufficient and poses a threat to national security.

(6) Techniques and procedures can be rapidly acquired or developed to temporarily permit safe operations of unmanned aerial systems in the National Airspace System until permanent safe operations of such systems in the National Airspace System can be achieved.

(7) Identifying, developing, approving, implementing, and monitoring the adequacy of these techniques and procedures may require the establishment of a joint Department of Defense-Federal Aviation Administration executive committee reporting to the highest levels of the Department of Defense and the Federal Aviation Administration on matters relating to the access of unmanned aerial systems of the Department of Defense to the National Airspace System.

(8) Joint management attention at the highest levels of the Department of Defense and the Federal Aviation Administration may also be required on other important issues, such as type ratings for aerial refueling aircraft.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should seek an agreement with the Administrator of the Federal Aviation Administration to jointly establish within the Department of Defense and the Federal Aviation Administration a joint Department of Defense–Federal Aviation Administration executive committee on conflict and dispute resolution which would—

(1) act as a focal point for the resolution of disputes on matters of policy and procedures between the Department of Defense and the Federal Aviation Administration with respect to—

(A) airspace, aircraft certifications, and aircrew training; and

(B) other issues brought before the joint executive committee by the Department of Defense or the Department of Transportation;

(2) identify solutions to the range of technical, procedural, and policy concerns arising in the disputes described in paragraph (1); and

(3) identify solutions to the range of technical, procedural, and policy concerns arising in the integration of Department of Defense unmanned aerial systems into the National Airspace System in order to achieve the increasing, and ultimately routine, access of such systems into the National Airspace System.

SEC. 1040. SENSE OF CONGRESS ON SALE OF NEW OUTSIZE CARGO, STRATEGIC LIFT AIRCRAFT FOR CIVILIAN USE.

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

(1) The 2004 Quadrennial Defense Review (as submitted to Congress in 2005) and the 2005 Mobility Capability Study determined that the United States Transportation Command requires a force of 292 organic strategic lift aircraft, augmented by procurement of airlift service from commercial air carriers participating in the Civil Reserve Air Fleet, to meet the demands of the National Military Strategy. Congress has authorized and appropriated funds for 301 strategic airlift aircraft.

(2) The Commander of the United States Transportation Command has testified to Congress that it is essential to safeguard the capabilities and capacity of the Civil Reserve Air Fleet to meet wartime surge demands in connection with major combat operations, and that procurement by the Air Force of excess organic strategic lift aircraft would be harmful to the health of the Civil Reserve Air Fleet.

(3) The C–17 Globemaster aircraft is the workhorse of the Air Mobility Command in the Global War on Terror. Production of the C–17 Globemaster aircraft is scheduled to cease in 2009, upon completion of the aircraft remaining to be procured by the Air Force.

(4) The Federal Aviation Administration has informed the Committee on Armed Services of the Senate that no fewer than six commercial operators have expressed interest in procuring a commercial variant of the C–17 Globemaster aircraft. Commercial sale of the C–17 Globemaster aircraft would require that the Department of Defense or Congress determine that it is in the national interest for the Federal Aviation Administration to proceed with the issuance of a type certificate for surplus aircraft of the Armed Forces in accordance with section 21.27 of title 14, Code of Federal Regulations.

(5) C–17 Globemaster aircraft sold for commercial use could be made available to the Civil Reserve Air Fleet, thus strengthening the capabilities and capacity of the Civil Reserve Air Fleet.

(6) The sale of a commercial variant of the C–17 Globemaster to Civil Reserve Air Fleet partners would strengthen the United States industrial base.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should—

(1) review the benefits and feasibility of pursuing a commercial-military cargo initiative for the C–17 Globemaster aircraft and determine whether such an initiative is in the national interest; and

(2) if the Secretary determines that such an initiative is in the national interest, take appropriate actions to coordinate with the Federal Aviation Administration to achieve the type certification for such aircraft required by section 21.27 of title 14, Code of Federal Regulations.

Subtitle E—Reports

SEC. 1051. REPEAL OF REQUIREMENT TO SUBMIT CERTAIN ANNUAL REPORTS TO CONGRESS REGARDING ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.

(a) REPEAL OF CERTAIN REPORTS ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.—Section 1003 of the Department of Defense Authorization Act, 1985 (Public Law 95–525; 98 Stat. 2576) is amended by striking subsections (c) and (d).

(b) REPEAL OF REPORT ON COST-SHARING.—Section 1313 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2894) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsections (c).

SEC. 1052. REPORT ON DETENTION OPERATIONS IN IRAQ.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on detention operations at theater internment facilities in Iraq during the period beginning on January 1, 2007, and ending on the date of the report.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A detailed description of the policies and procedures governing detention operations at theater internment facilities in Iraq during the period covered by the report, and a description of any changes to such policies and procedures during that period intended to incorporate counterinsurgency doctrine within such detention operations.

(2) A detailed description of the policies and programs instituted to prepare detainees for reintegration following their release from detention in theater interment facilities in Iraq, including programs of family visits and outreach, religious counseling, literacy, basic education, and vocational skills.

(3) A detailed description of the procedures for reviewing the detention status of individuals under detention in theater detention facilities in Iraq during the period covered by the report, including the procedures of the Multinational Forces Review Committee, and an assessment of the effect, if any, on United States detention policy and procedures with respect to Iraq of the General Amnesty Law approved by the Council of Representatives on February 13, 2008, and signed by the Presidency Council on February 26, 2008.

(4) Information for each month of the period covered by the report as follows:

(A) The detainee population at each theater internment facility in Iraq as of the end of such month.

(B) The number of detainees released from detention in theater internment facilities in Iraq during such month both in aggregate and in number released from each such theater internment facility.

(C) The number of detainees in theater internment facilities in Iraq turned over to the control of the Government of Iraq for criminal prosecution during such month.

(5) Information on the length of detainments in the theater internment facilities in Iraq as of each of January 1, 2007, and January 1, 2008, with a stratification of the number of individuals who had been so detained at each such date by six-month increments.

(6) A description and assessment of the effects of changes in detention operations and reintegration programs at theater internment facilities in Iraq during the period of the report, including changes in levels of violence within internment facilities and in rates of recapture of detainees released from detention in internment facilities.

(7) A statement of the costs of establishing and operating reintegration centers in Iraq and of the share of such costs to be paid by the Government of Iraq, and a description of plans for the transition of such centers to the control of the Government of Iraq.

(8) A description of—

(A) the lessons learned regarding detention operations in a counterinsurgency operation, an assessment of how such lessons could be applied to detention operations elsewhere (including in Afghanistan and at Guantanamo Bay, Cuba); and

(B) any efforts to integrate such lessons into Department of Defense directives, joint doctrine, mission rehearsal exercises for deploying forces, and training for units involved in detention and interrogation operations.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1053. STRATEGIC PLAN TO ENHANCE THE ROLE OF THE NATIONAL GUARD AND RESERVES IN THE NATIONAL DEFENSE.

(a) STRATEGIC PLAN REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall develop a strategic plan to enhance the role of the National Guard and Reserves in the national defense, including—

(A) the transition of the reserve components of the Armed Forces from a strategic force to an operational force;

(B) the achievement of a fully-integrated total force (including further development of the continuum of service); and

(C) the enhancement of the role of the reserve components of the Armed Forces in homeland defense.

(2) CONSULTATION.—The Secretary shall develop the strategic plan required by this subsection in consultation with the Chairman of the Joint Chiefs of Staff and the Chief of the National Guard Bureau.

(b) CONSIDERATION OF EXISTING FINDINGS, RECOMMENDATIONS, AND PRACTICES.—In developing the strategic plan required by subsection (a), the Secretary shall consider the following:

(1) The findings and recommendations of the final report of the Commission on the National Guard and Reserves.

(2) The findings and recommendations of the Center for Strategic and International Studies on the future of the National Guard and Reserves.

(3) The policies expressed in the provisions of the bill S. 2760 of the 110th Congress, to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

(4) Current policies and practices of the Department of Defense for the utilization of members and units of the reserve components of the Armed Forces.

(c) ELEMENTS.—The strategic plan required by subsection (a) shall include the following:

(1) A description of the legislative, organizational, and administrative actions required to make the reserve components of the Armed Forces a sustainable operational force.

(2) A description of the legislative, organizational, and administrative actions required to enhance the Department of Defense role in homeland defense and support of civil authorities, with particular emphasis on the role of the reserve components of the Armed Forces in such role.

(3) A description of the legislative, organizational, and administrative actions required to create a continuum of service in the reserve components of the Armed Forces, including a personnel management system for an integrated total force that will facilitate the seamless transition of members of National Guard and Reserves on and off active duty to meet mission requirements and permit different levels of participation by such members in the Armed Forces over the course of a military career.

(4) A description of the legislative and administrative actions required to develop a ready, capable, and available operational reserve for the Armed Forces.

(5) A description of the legislative and administrative actions required to reform organizations and institutions to support an operational reserve for the Armed Forces.

(6) A description of the legislative and administrative actions required to enhance support to members of the Armed Forces, including members of the reserve components of the Armed Forces, their families, and their employers.

(d) DEADLINE FOR SUBMITTAL.—The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the plan required by subsection (a) not later than July 1, 2009.

SEC. 1054. REVIEW OF NONNUCLEAR PROMPT GLOBAL STRIKE CONCEPT DEMONSTRATIONS.

(a) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of State, conduct a review of each nonnuclear prompt global strike concept demonstration with respect to which the President requests funding in the budget of the President for fiscal year 2010 (as submitted to Congress pursuant to section 1105 of title 31, United States Code).

(b) ELEMENTS.—The review required by subsection (a) shall include, for each concept demonstration described in that subsection, the following:

(1) The full cost of such concept demonstration.

(2) An assessment of any policy, legal, or treaty-related issues that could arise during the course of, or as a result of, such concept demonstration.

(3) The extent to which the concept demonstrated could be misconstrued as a nuclear weapon or delivery system.

(4) An assessment of the potential basing and deployment options for the concept demonstrated.

(5) A description of the types of targets against which the concept demonstrated might be used.

(c) REPORT.—Not later than 30 days after the date on which the President submits to Congress the budget for fiscal year 2010 (as so submitted), the Secretary of Defense shall submit to the congressional defense committees a report setting forth the results of the review required by subsection (a).

SEC. 1055. REVIEW OF BANDWIDTH CAPACITY REQUIREMENTS OF THE DEPARTMENT OF DEFENSE AND THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—The Secretary of Defense and the Director of National Intelligence shall conduct a joint review of the bandwidth capacity requirements of the Department of Defense and the intelligence community in the near term, mid term, and long term.

(b) ELEMENTS.—The review required by subsection (a) shall include an assessment of the following:

(1) The current bandwidth capacities of the Department of Defense and the intelligence community to transport data, including Government and commercial ground networks and satellite systems.

(2) The bandwidth capacities anticipated to be available to the Department of Defense and the intelligence community to transport data in the near term, mid term, and long term.

(3) The bandwidth and data requirements of current major operational systems of the Department of Defense and the intelligence community, including an assessment of—

(A) whether such requirements are being appropriately met by the bandwidth capacities described in paragraph (1); and

(B) the degree to which any such requirements are not being met by such bandwidth capacities.

(4) The anticipated bandwidth and data requirements of major operational systems of the Department of Defense and the intelligence community planned for each of the near term, mid term, and long term, including an assessment of—

(A) whether such anticipated requirements will be appropriately met by the bandwidth capacities described in paragraph (2); and

(B) the degree to which any such requirements are not anticipated to be met by such bandwidth capacities.

(5) Any mitigation concepts that could be used to satisfy any unmet bandwidth and data requirements.

(6) The costs of meeting the bandwidth and data requirements described in paragraphs (3) and (4).

(7) Any actions necessary to integrate or consolidate the information networks of the Department of Defense and the intelligence community.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report setting forth the results of the review required by subsection (a).

(d) FORMAL REVIEW PROCESS FOR BANDWIDTH REQUIREMENTS.—The Secretary of Defense and the Director of National Intelligence shall, as part of the Milestone B or Key Decision Point B approval process for any major defense acquisition program or major system acquisition program, establish a formal review process to ensure that—

(1) the bandwidth requirements needed to support such program are or will be met; and

(2) a determination will be made with respect to how to meet the bandwidth requirements for such program.

(e) DEFINITIONS.—In this section:

(1) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' means the elements of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) LONG TERM.—The term ''long term'' means the five-year period beginning on the date that is 10 years after the date of the enactment of this Act.

(3) MID TERM.—The term ''mid term'' means the five-year period beginning on the date that is five years after the date of the enactment of this Act.

(4) NEAR TERM.—The term ''near term'' means the five-year period beginning on the date of the enactment of this Act.

Subtitle F—Wounded Warrior Matters

SEC. 1061. MODIFICATION OF UTILIZATION OF VETERANS' PRESUMPTION OF SOUND CONDITION IN ESTABLISHING ELIGIBILITY OF MEMBERS OF THE ARMED FORCES FOR RETIREMENT FOR DISABILITY.

(a) RETIREMENT OF REGULARS AND MEMBERS ON ACTIVE DUTY FOR MORE THAN 30 DAYS.—Section 1201(b)(3)(B)(i) of title 10, United States Code, is amended—

(1) by striking ''the member has six months or more of active military service and''; and

(2) by striking ''(unless compelling evidence'' and all that follows through ''active duty)'' and inserting ''(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)''.

(b) SEPARATION OF REGULARS AND MEMBERS ON ACTIVE DUTY FOR MORE THAN 30 DAYS.—Section 1203(b)(4)(B) of such title is amended—

(1) by striking ''the member has six months or more of active military service, and''; and

(2) by striking ''(unless compelling evidence'' and all that follows through ''active duty)'' and inserting ''(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)''.

SEC. 1062. INCLUSION OF SERVICE MEMBERS IN INPATIENT STATUS IN WOUNDED WARRIOR POLICIES AND PROTECTIONS.

Section 1602(7) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 432; 10 U.S.C. 1071 note) is amended by inserting ''inpatient or'' before ''outpatient status''.

SEC. 1063. CLARIFICATION OF CERTAIN INFORMATION SHARING BETWEEN THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS FOR WOUNDED WARRIOR PURPOSES.

(a) IN GENERAL.—Section 1614(b)(11) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 444; 10 U.S.C. 1071 note) is amended by inserting before the period at the end the following: ''or that such transfer is otherwise authorized by the regulations implementing such Act''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 28, 2008, as if included in the provisions of the Wounded Warrior Act, to which such amendment relates.

SEC. 1064. ADDITIONAL RESPONSIBILITIES FOR THE WOUNDED WARRIOR RESOURCE CENTER.

Section 1616(a) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 447; 10 U.S.C. 1071 note) is amended in the first sentence by inserting ''receiving legal assistance referral information (where appropriate), receiving other appropriate referral information,'' after ''receiving benefits information,''.

SEC. 1065. RESPONSIBILITY FOR THE CENTER OF EXCELLENCE IN THE PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT AND REHABILITATION OF TRAUMATIC BRAIN INJURY TO CONDUCT PILOT PROGRAMS ON TREATMENT APPROACHES FOR TRAUMATIC BRAIN INJURY.

Section 1621(c) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 453; 10 U.S.C. 1071 note) is amended—

(1) by redesignating paragraphs (2) through (13) as paragraphs (3) through (14), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) To conduct pilot programs to promote or assess the efficacy of approaches to the treatment of all forms of traumatic brain injury, including mild traumatic brain injury.''.

SEC. 1066. CENTER OF EXCELLENCE IN THE MITIGATION, TREATMENT, AND REHABILITATION OF TRAUMATIC EXTREMITY INJURIES AND AMPUTATIONS.

(a) IN GENERAL.—The Secretary of Veterans Affairs and the Secretary of Defense shall jointly establish a center of excellence in the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations.

(b) PARTNERSHIPS.—The Secretary of Veterans Affairs and the Secretary of Defense shall jointly ensure that the center collaborates with the Department of Veterans Affairs, the Department of Defense, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

(c) RESPONSIBILITIES.—The center shall have the responsibilities as follows:

(1) To implement a comprehensive plan and strategy for the Department of Veterans Affairs and the Department of Defense for the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations.

(2) To carry out such other activities to improve and enhance the efforts of the Department of Veterans Affairs and the Department of Defense for the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations as the Secretary of Veterans Affairs and the Secretary of Defense consider appropriate.

(d) REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly submit to Congress a report on the activities of the center.

(2) ELEMENTS.—Each report under this subsection shall include the following:

(A) In the case of the first report under this subsection, a description of the implementation of the requirements of this Act.

(B) A description and assessment of the activities of the center during the one-year period ending on the date of such report, including an assessment of the role of such activities in improving and enhancing the efforts of the Department of Veterans Affairs and the Department of Defense for the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations.

SEC. 1067. THREE-YEAR EXTENSION OF SENIOR OVERSIGHT COMMITTEE WITH RESPECT TO WOUNDED WARRIOR MATTERS.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly take such actions as are appropriate, including the allocation of appropriate personnel, funding, and other resources, to continue the operations of the Senior Oversight Committee until September 30, 2011.

(b) REPORT ON FURTHER EXTENSION OF COMMITTEE.—Not later than December 31, 2010, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth the joint recommendation of the Secretaries as to the advisability of continuing the operations of the Senior Oversight Committee after September 30, 2011. If the Secretaries recommend that continuing the operations of the Senior Oversight Committee after September 30, 2011, is advisable, the report may include such recommendations for the modification of the responsibilities, composition, or support of the Senior Oversight Committee as the Secretaries jointly consider appropriate.

(c) SENIOR OVERSIGHT COMMITTEE DEFINED.—In this section, the term ''Senior Oversight Committee'' means the Senior Oversight Committee jointly established by the Secretary of Defense and the Secretary of Veterans Affairs in May 2007. The Senior Oversight Committee was established to address concerns related to the treatment of wounded, ill, and injured members of the Armed Forces and veterans and serve as the single point of contact for oversight, strategy, and integration of proposed strategies for the efforts of the Department of Defense and the Department of Veterans Affairs to improve support throughout the recovery, rehabilitation, and reintegration of wounded, ill, or injured members of the Armed Forces.

Subtitle G—Other Matters

SEC. 1081. MILITARY SALUTE FOR THE FLAG DURING THE NATIONAL ANTHEM BY MEMBERS OF THE ARMED FORCES NOT IN UNIFORM AND BY VETERANS.

Section 301(b)(1) of title 36, United States Code, is amended by striking subparagraphs (A) through (C) and inserting the following new subparagraphs:

''(A) individuals in uniform should give the military salute at the first note of the anthem and maintain that position until the last note;

''(B) members of the Armed Forces and veterans who are present but not in uniform

may render the military salute in the manner provided for individuals in uniform; and

''(C) all other persons present should face the flag and stand at attention with their right hand over the heart, and men not in uniform, if applicable, should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart; and''.

SEC. 1082. MODIFICATION OF DEADLINES FOR STANDARDS REQUIRED FOR ENTRY TO MILITARY INSTALLATIONS IN THE UNITED STATES.

Section 1069(c) of the National Defense Authorization Act of Fiscal Year 2008 (Public Law 110–181; 122 Stat. 327) is amended—

(1) in paragraph (1)—

(A) by striking ''July 1, 2008'' and inserting ''February 1, 2009''; and

(B) by striking ''January 1, 2009'' and inserting ''October 1, 2012''; and

(2) in paragraph (2), by striking ''implemented'' and inserting ''developed''.

SEC. 1083. SUSPENSION OF STATUTES OF LIMITATIONS WHEN CONGRESS AUTHORIZES THE USE OF MILITARY FORCE.

Section 3287 of title 18, United States Code, is amended—

(1) by inserting ''or Congress has enacted a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)),'' after ''is at war'';

(2) by inserting ''or directly connected with or related to the authorized use of the Armed Forces'' after ''prosecution of the war'';

(3) by striking ''three years'' and inserting ''5 years'';

(4) by striking ''proclaimed by the President'' and inserting ''proclaimed by a Presidential proclamation, with notice to Congress,''; and

(5) by adding at the end the following: ''For purposes of applying such definitions in this section, the term 'war' includes a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).''.

TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. DEPARTMENT OF DEFENSE STRATEGIC HUMAN CAPITAL PLANS.

(a) CODIFICATION OF ANNUAL REQUIREMENT FOR PLAN.—

(1) IN GENERAL.—Chapter 2 of title 10, United States Code, is amended by adding after section 115a the following new section:

''§ 115b. Department of Defense strategic human capital plans

''(a) ANNUAL PLAN REQUIRED.—The Secretary of Defense shall submit to Congress on an annual basis a strategic human capital plan to shape and improve the civilian employee workforce of the Department of Defense. The plan shall be submitted not later than March 1 each year.

''(b) CONTENTS.—Each strategic human capital plan under subsection (a) shall include the following:

''(1) An assessment of—

''(A) the critical skills and competencies that will be needed in the future civilian employee workforce of the Department of Defense to support national security requirements and effectively manage the Department over the next decade;

''(B) the skills and competencies of the existing civilian employee workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

''(C) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the critical skills and competencies described in subparagraph (A).

''(2) A plan of action for developing and reshaping the civilian employee workforce of the Department to address the gaps in critical skills and competencies identified under paragraph (1)(C), including—

''(A) specific recruiting and retention goals, including the program objectives of the Department to be achieved through such goals and the funding needed to achieve such goals; and

''(B) specific strategies for developing, training, deploying, compensating, and motivating the civilian employee workforce of the Department, including the program objectives of the Department to be achieved through such strategies and the funding needed to implement such strategies.

''(3) An assessment, using results-oriented performance measures, of the progress of the Department in implementing the strategic human capital plan under this section during the previous year.

''(c) SENIOR MANAGEMENT, FUNCTIONAL, AND TECHNICAL WORKFORCE.—(1) Each strategic human capital plan under subsection (a) shall specifically address the shaping and improvement of the senior management, functional, and technical workforce (including scientists and engineers) of the Department of Defense.

''(2) For purposes of paragraph (1), each plan shall include, at a minimum, the following:

''(A) An assessment of—

''(i) the needs of the Department for senior management, functional, and technical personnel (including scientists and engineers) in light of recent trends and projected changes in the mission and organization of the Department and in light of staff support needed to accomplish that mission;

''(ii) the capability of the existing civilian employee workforce of the Department to meet requirements relating to the mission of the Department, including the impact on that capability of projected trends in the senior management, functional, and technical personnel workforce of the Department based on expected losses due to retirement and other attrition; and

''(iii) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the senior management, functional, and technical personnel (including scientists and engineers) it needs.

''(B) A plan of action for developing and reshaping the senior management, functional, and technical workforce of the Department to address the gaps identified under subparagraph (A)(iii), including—

''(i) any legislative or administrative action that may be needed to adjust the requirements applicable to any category of civilian personnel identified in paragraph (3) or to establish a new category of senior management or technical personnel;

''(ii) any changes in the number of personnel authorized in any category of personnel identified in subsection (b) that may be needed to address such gaps and effectively meet the needs of the Department;

''(iii) any changes in the rates or methods of pay for any category of personnel identified in paragraph (3) that may be needed to address inequities and ensure that the Department has full access to appropriately qualified personnel to address such gaps and meet the needs of the Department;

''(iv) specific recruiting and retention goals, including the program objectives of the Department to be achieved through such goals;

''(v) specific strategies for developing, training, deploying, compensating, motivating, and designing career paths and career opportunities for the senior management, functional, and technical workforce of the Department, including the program objectives of the Department to be achieved through such strategies; and

''(vi) specific steps that the Department has taken or plans to take to ensure that the senior management, functional, and technical workforce of the Department is managed in compliance with the requirements of section 129 of this title.

''(3) For purposes of this subsection, the senior management, functional, and technical workforce of the Department of Defense includes the following categories of Department of Defense civilian personnel:

''(A) Appointees in the Senior Executive Service under section 3131 of title 5.

''(B) Persons serving in positions described in section 5376(a) of title 5.

''(C) Highly qualified experts appointed pursuant to section 9903 of title 5.

''(D) Scientists and engineers appointed pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398 (114 Stat. 1654A–315)).

''(E) Scientists and engineers appointed pursuant to section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note).

''(F) Persons serving in the Defense Intelligence Senior Executive Service under section 1606 of this title.

''(G) Persons serving in Intelligence Senior Level positions under section 1607 of this title.

''(d) DEFENSE ACQUISITION WORKFORCE.—(1) Each strategic human capital plan under subsection (a) shall specifically address the shaping and improvement of the defense acquisition workforce, including both military and civilian personnel.

''(2) For purposes of paragraph (1), each plan shall include, at a minimum, the following:

''(A) An assessment of—

''(i) the skills and competencies needed in the military and civilian workforce of the Department of Defense to effectively manage the acquisition programs and activities of the Department over the next decade;

''(ii) the skills and competencies of the existing military and civilian acquisition workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

''(iii) gaps in the existing or projected military and civilian acquisition workforce that should be addressed to ensure that the Department has access to the skills and competencies identified pursuant to clauses (i) and (ii).

''(B) A plan of action that establishes specific objectives for developing and reshaping the military and civilian acquisition workforce of the Department to address the gaps in skills and competencies identified under subparagraph (A), including—

''(i) specific recruiting and retention goals; and

''(ii) specific strategies and incentives for developing, training, deploying, compensating, and motivating the military and civilian acquisition workforce of the Department to achieve such goals.

''(C) A plan for funding needed improvements in the military and civilian acquisition workforce of the Department, including—

''(i) an identification of the funding programmed for defense acquisition workforce

improvements, including a specific identification of funding provided in the Department of Defense Acquisition Workforce Fund established under section 1705 of this title;

''(ii) an identification of the funding programmed for defense acquisition workforce training in the future-years defense program, including a specific identification of funding provided by the acquisition workforce training fund established under section 37(h)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(h)(3));

''(iii) a description of how the funding identified pursuant to clauses (i) and (ii) will be implemented during the fiscal year concerned to address the areas of need identified in accordance with subparagraph (A);

''(iv) a statement of whether the funding identified under clauses (i) and (ii) is being fully used; and

''(v) a description of any continuing shortfall in funding available for the defense acquisition workforce.

''(e) SUBMITTALS BY SECRETARIES OF THE MILITARY DEPARTMENTS AND HEADS OF THE DEFENSE AGENCIES.—The Secretary of Defense shall require the Secretary of each military department and the head of each Defense Agency to submit a report to the Secretary addressing each of the matters described in this section. The Secretary of Defense shall establish a deadline for the submittal of reports under this subsection that enables the Secretary to consider the material submitted in a timely manner and incorporate such material, as appropriate, into the strategic human capital plans required by this section.

''(f) GAPS IN THE WORKFORCE.—(1) The Secretary of Defense may not conduct a public-private competition under chapter 126 of this title, Office of Management and Budget Circular A–76, or any other provision of law or regulation before expanding the civilian workforce of the Department of Defense to address a gap in the workforce identified under this section.

''(2) For purposes of this section, gaps in the workforce include—

''(A) shortcomings in the skills and competencies of employees; and

''(B) shortcomings in the number of employees possessing such skills and competencies.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of such title is amended by inserting after the item relating to section 115a the following new item:

''115b. Department of Defense strategic human capital plans.''.

(b) COMPTROLLER GENERAL REVIEW.—Not later than 90 days after date on which the Secretary of Defense submits to Congress an annual strategic human capital plan under section 115b of title 10, United States Code (as added by subsection (a)), in each of 2009, 2010, 2011 and 2012, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the plan so submitted.

(c) CONFORMING REPEALS.—The following provisions are repealed:

(1) Section 1122 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3452; 10 U.S.C. note prec. 1580).

(2) Section 1102 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 119–364; 120 Stat. 2407).

(3) Section 851 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 247; 10 U.S.C. note prec. 1580).

SEC. 1102. CONDITIONAL INCREASE IN AUTHORIZED NUMBER OF DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE PERSONNEL.

(a) IN GENERAL.—Section 1606(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''The Secretary of Defense''; and

(2) by striking the second sentence and inserting the following:

''(2)(A) The number of positions in the Defense Intelligence Senior Executive Service in any fiscal year after fiscal year after fiscal year 2008 may not exceed the lesser of the following:

''(i) The number of such positions authorized on September 30, 2007, as adjusted by the percentage specified in subparagraph (B) for such fiscal year.

''(ii) 694.

''(B) The percentage specified in this subparagraph for a fiscal year is the percentage by which the authorized number of Department of Defense positions in the Senior Executive Service has been increased as of the end of the preceding fiscal year over the number of such positions authorized on September 30, 2007.

''(3) Priority shall be given in the allocation of any increase in the number of authorized positions in the Defense Intelligence Senior Executive Service after fiscal year 2008 to components of the intelligence community within the Department of Defense in which the ratio of senior executives to employees other than senior executives is the lowest.''.

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

SEC. 1103. ENHANCEMENT OF AUTHORITIES RELATING TO ADDITIONAL POSITIONS UNDER THE NATIONAL SECURITY PERSONNEL SYSTEM.

Section 9902(i) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting ''(except that the limitations of chapter 33 may be waived to the extent necessary to achieve the purposes of this subsection)'' after ''the limitations in subsection (b)(3)''; and

(2) in paragraph (2), by inserting before the period at the end the following: ''in a manner comparable to the manner in which such provisions are applied under chapter 33''.

SEC. 1104. EXPEDITED HIRING AUTHORITY FOR HEALTH CARE PROFESSIONALS OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the Secretary of Defense may—

(1) designate any category of health care position within the Department of Defense as a shortage category position if the Secretary determines that there exists a severe shortage of candidates for such position or there is a critical hiring need for such position; and

(2) utilize the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

(b) TERMINATION OF AUTHORITY.—The Secretary may not appoint a person to a position of employment under this section after September 30, 2012.

SEC. 1105. ELECTION OF INSURANCE COVERAGE BY FEDERAL CIVILIAN EMPLOYEES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) AUTOMATIC COVERAGE.—Section 8702(c) of title 5, United States Code, is amended—

(1) by inserting ''an employee who is deployed in support of a contingency operation (as that term is defined in section 101(a)(13) of title 10) or'' after ''subsection (b)''; and

(2) by inserting ''notification of deployment or'' after ''the date of the''.

(b) OPTIONAL INSURANCE.—Section 8714a(b) of such title is amended—

(1) by designating the text as paragraph (2); and

(2) by inserting before paragraph (2), as so designated the following new paragraph (1):

''(1) An employee who is deployed in support of a contingency operation (as that term is defined in section 101(a)(13) of title 10) or an employee of the Department of Defense who is designated as emergency essential under section 1580 of title 10 shall be insured under the policy of insurance under this section if the employee, within 60 days after the date of notification of deployment or designation, elects to be insured under the policy of insurance. An election under this paragraph shall be effective when provided to the Office in writing, in the form prescribed by the Office, within such 60-day period.''.

(c) ADDITIONAL OPTIONAL LIFE INSURANCE.—Section 8714b(b) of such title is amended—

(1) by designating the text as paragraph (2); and

(2) by inserting before paragraph (2), as so designated the following new paragraph (1):

''(2) An employee who is deployed in support of a contingency operation (as that term is defined in section 101(a)(13) of title 10) or an employee of the Department of Defense who is designated as emergency essential under section 1580 of title 10 shall be insured under the policy of insurance under this section if the employee, within 60 days after the date of notification of deployment or designation, elects to be insured under the policy of insurance. An election under this paragraph shall be effective when provided to the Office in writing, in the form prescribed by the Office, within such 60-day period.''.

SEC. 1106. PERMANENT EXTENSION OF DEPARTMENT OF DEFENSE VOLUNTARY REDUCTION IN FORCE AUTHORITY.

Section 3502(f) of title 5, United States Code, is amended by striking paragraph (5).

SEC. 1107. FOUR-YEAR EXTENSION OF AUTHORITY TO MAKE LUMP SUM SEVERANCE PAYMENTS WITH RESPECT TO DEPARTMENT OF DEFENSE EMPLOYEES.

Section 5595(i)(4) of title 5, United States Code, is amended by striking ''October 1, 2010'' and inserting ''October 1, 2014''.

SEC. 1108. AUTHORITY TO WAIVE LIMITATIONS ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS UNDER AREAS OF UNITED STATES CENTRAL COMMAND.

(a) WAIVER AUTHORITY.—

(1) IN GENERAL.—Notwithstanding sections 5307 and 5547 of title 5, United States Code, the head of an Executive agency (as that term is defined in section 105 of title 5, United States Code) may, during calendar year 2009, waive limitations on the aggregate on basic pay and premium pay payable in such calendar year, and on allowances, differentials, bonuses, awards, and similar cash payments payable in such calendar year, to an employee who performs work while in an overseas location that is in the area of responsibility of the Commander of the United States Central Command in direct support of, or directly related to—

(A) a military operation, including a contingency operation; or

(B) an operation in response to a declared emergency.

(2) LIMITATION.—The total annual compensation payable to an employee pursuant to a waiver under this subsection may not exceed the total annual compensation payable to the Vice President under section 104 of title 3, United States Code.

(b) ROLLOVER OF EARNED PAY TO SUBSEQUENT YEAR.—Any amount that would otherwise be paid an employee in calendar year

2009 under a waiver under subsection (a)(1) except for the limitation in subsection (a)(2) shall be paid to the employee in a lump sum at the beginning of calendar year 2010. Any amount paid an employee under this subsection in calendar year 2010 shall be taken into account as if the limitation in subsection (a)(2) was applicable to the employee in calendar year 2010.

(c) ADDITIONAL PAY NOT CONSIDERED BASIC PAY.—To the extent that a waiver under subsection (a) results in payment of additional premium pay of a type that is normally creditable as basic pay for retirement or any other purpose, such additional pay shall not be considered to be basic pay for any purpose, nor shall such additional pay be used in computing a lump-sum payment for accumulated and accrued annual leave under section 5551 of title 5, United States Code.

(d) REGULATIONS.—The Director of the Office of Personnel Management may prescribe regulations to ensure appropriate consistency among heads of Executive agencies in the exercise of the authority granted by this section.

SEC. 1109. TECHNICAL AMENDMENT RELATING TO DEFINITION OF PROFESSIONAL ACCOUNTING POSITION FOR PURPOSES OF CERTIFICATION AND CREDENTIALING STANDARDS.

Section 1599d(e) of title 10, United States Code, is amended by striking ''GS–510, GS–511, and GS–505'' and inserting ''0505, 0510, 0511, or equivalent''.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. INCREASE IN AMOUNT AVAILABLE FOR COSTS OF EDUCATION AND TRAINING OF FOREIGN MILITARY FORCES UNDER REGIONAL DEFENSE COMBATING TERRORISM FELLOWSHIP PROGRAM.

(a) INCREASE IN AMOUNT.—Section 2249c(b) of title 10, United States Code, is amended by striking ''$25,000,000'' and inserting ''$35,000,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 1202. AUTHORITY FOR DISTRIBUTION TO CERTAIN FOREIGN PERSONNEL OF EDUCATION AND TRAINING MATERIALS AND INFORMATION TECHNOLOGY TO ENHANCE MILITARY INTEROPERABILITY WITH THE ARMED FORCES.

(a) AUTHORITY FOR DISTRIBUTION.—

(1) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2249d. Distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the armed forces

''(a) DISTRIBUTION AUTHORIZED.—To enhance interoperability between the armed forces and military forces of friendly foreign nations, the Secretary of Defense, with the concurrence of the Secretary of State, may—

''(1) provide to personnel referred to in subsection (b) electronically-distributed learning content for the education and training of such personnel for the development or enhancement of allied and friendly military and civilian capabilities for multinational operations, including joint exercises and coalition operations; and

''(2) provide information technology, including computer software developed for such purpose, but only to the extent necessary to support the use of such learning content for the education and training of such personnel.

''(b) AUTHORIZED RECIPIENTS.—The personnel to whom learning content and information technology may be provided under subsection (a) are military and civilian personnel of a friendly foreign government, with the permission of that government.

''(c) EDUCATION AND TRAINING.—Any education and training provided under subsection (a) shall include the following:

''(1) Internet-based education and training.

''(2) Advanced distributed learning and similar Internet learning tools, as well as distributed training and computer-assisted exercises.

''(d) APPLICABILITY OF EXPORT CONTROL REGIMES.—The provision of learning content and information technology under this section shall be subject to the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.) and any other export control regime under law relating to the transfer of military technology to foreign nations.

''(e) GUIDANCE ON UTILIZATION OF AUTHORITY.—

''(1) GUIDANCE REQUIRED.—The Secretary of Defense shall develop and issue guidance on the procedures for the use of the authority in this section.

''(2) MODIFICATION.—If the Secretary modifies the guidance issued under paragraph (1), the Secretary shall submit to the appropriate committees of Congress a report setting forth the modified guidance not later than 30 days after the date of such modification.

''(f) ANNUAL REPORT.—

''(1) REPORT REQUIRED.—Not later than October 31 following each fiscal year in which the authority in this section is used, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the exercise of the authority during such fiscal year.

''(2) ELEMENTS.—Each report under paragraph (1) shall include, for the fiscal year covered by such report, the following:

''(A) A statement of the recipients of learning content and information technology provided under this section.

''(B) A description of the type, quantity, and value of the learning content and information technology provided under this section.

''(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Armed Services of the Senate; and

''(2) the Committee on Armed Services of the House of Representatives.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 134 of such title is amended by adding at the end the following new item:

''2249d. Distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the armed forces.''.

(b) GUIDANCE ON UTILIZATION OF AUTHORITY.—

(1) SUBMITTAL TO CONGRESS.—Not later than 30 days after issuing the guidance required by section 2249d(e) of title 10, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth such guidance.

(2) UTILIZATION OF SIMILAR GUIDANCE.—In developing the guidance required by section 2249d(e) of title 10, United States Code, as so added, the Secretary may utilize applicable portions of the current guidance developed by the Secretary under subsection (f) of section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2419) for purposes of the exercise of the authority in such section 1207.

(c) REPEAL OF SUPERSEDED AUTHORITY.—

(1) IN GENERAL.—Section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 is repealed.

(2) SUBMITTAL OF FINAL REPORT ON EXERCISE OF AUTHORITY.—If the Secretary of Defense exercised the authority in section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 during fiscal year 2008, the Secretary shall submit the report required by subsection (g) of such section for such fiscal year in accordance with the provisions of such subsection (g) without regard to the repeal of such section under paragraph (1).

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2008.

SEC. 1203. EXTENSION AND EXPANSION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) IN GENERAL.—Subsection (a) of section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086) is amended—

(1) by inserting '', with the concurrence of the relevant Chief of Mission,'' after ''may''; and

(2) by striking ''$25,000,000'' and inserting ''$35,000,000''.

(b) TIMING OF NOTICE ON PROVISION OF SUPPORT.—Subsection (c) of such section is amended by striking ''in not less than 48 hours'' and inserting ''within 48 hours''.

(c) EXTENSION.—Subsection (h) of such section, as amended by section 1202(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 364), is further amended by striking ''2010'' and inserting ''2011''.

(d) TECHNICAL AMENDMENT.—The heading of such section is amended by striking ''military operations'' and inserting ''special operations''.

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

SEC. 1204. MODIFICATION AND EXTENSION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) BUILDING OF CAPACITY OF ADDITIONAL FOREIGN FORCES.—Subsection (a) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as amended by section 1206 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2418), is further amended by striking ''a program'' and all that follows and inserting ''a program or programs as follows:

''(1) To build the capacity of a foreign country's national military forces in order for that country to—

''(A) conduct counterterrorism operations; or

''(B) participate in or support military and stability operations in which the United States Armed Forces are participating.

''(2) To build the capacity of a foreign country's coast guard, border protection, and other security forces engaged primarily in counterterrorism missions in order for that country to conduct counterterrorism operations.''.

(b) DISCHARGE THROUGH GRANTS.—Subsection (b)(1) of such section, as so amended, is further amended by inserting ''may be carried out by grant and'' before ''may include the provision''.

(c) FUNDING.—Subsection (c) of such section, as so amended, is further amended—

(1) in paragraph (1), by striking ''$300,000,000'' and inserting ''$400,000,000''; and

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

''(4) AVAILABILITY OF FUNDS FOR ACTIVITIES ACROSS FISCAL YEARS.—Amounts available under this subsection for the authority in subsection (a) for a fiscal year may be used for programs under that authority that begin in such fiscal year but end in the next fiscal year.''.

(d) THREE-YEAR EXTENSION OF AUTHORITY.—Subsection (g) of such section, as so amended, is further amended—

(1) by striking ''September 30, 2008'' and inserting ''September 30, 2011''; and

(2) by striking ''fiscal year 2006, 2007, or 2008'' and inserting ''fiscal years 2006 through 2011''.

SEC. 1205. EXTENSION OF AUTHORITY AND INCREASED FUNDING FOR SECURITY AND STABILIZATION ASSISTANCE.

(a) INCREASE IN MAXIMUM AMOUNT OF ASSISTANCE.—Subsection (b) of section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3458) is amended by striking ''$100,000,000'' and inserting ''$200,000,000''.

(b) THREE-YEAR EXTENSION OF AUTHORITY.—Subsection (g) of such section, as amended by section 1210(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 369), is further amended by striking ''September 30, 2008'' and inserting ''September 30, 2011''.

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

SEC. 1206. FOUR-YEAR EXTENSION OF TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND MILITARY EQUIPMENT FOR PERSONNEL PROTECTION AND SURVIVABILITY.

Section 1202(e) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2412), as amended by section 1252(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 402), is further amended by striking ''September 30, 2009'' and inserting ''September 30, 2013''.

SEC. 1207. AUTHORITY FOR USE OF FUNDS FOR NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.

(a) AUTHORITY FOR USE OF FUNDS.—

(1) IN GENERAL.—The Commander of a combatant command may, with the concurrence of the relevant Chief of Mission, expend amounts authorized to be appropriated for a fiscal year by section 301(2) for Operation and Maintenance, Navy to establish, develop, and maintain non-conventional assisted recovery capabilities in a foreign country if the Commander determines that expenditure of such funds for that purpose is necessary in connection with support of non-conventional assisted recovery efforts in that foreign country.

(2) LIMITATION ON AMOUNT.—The total amount of funds that may be expended under the authority in subsection (a) in each of fiscal years 2009 and 2010 may not exceed $20,000,000.

(b) SCOPE OF EFFORTS SUPPORTABLE.—

(1) IN GENERAL.—In expending funds under the authority in subsection (a), the Commander of a combatant command may provide support to surrogate or irregular groups or individuals in order to facilitate the recovery of military or civilian personnel of the Department of Defense (including the Coast Guard), and other individuals who, while conducting activities in support of United States military operations, become separated or isolated from friendly forces.

(2) SUPPORT.—The support provided under paragraph (1) may include, but is not limited to, the provision of equipment, supplies, training, transportation, and other logistical support or funding to support operations and activities for the recovery of personnel and individuals as described in that paragraph.

(c) PROCEDURES.—

(1) PROCEDURES REQUIRED.—The Secretary of Defense shall establish procedures for the exercise of the authority in subsection (a).

(2) NOTICE.—The Secretary shall notify the congressional defense committees of the procedures established under paragraph (1) before any exercise of the authority in subsection (a).

(d) NOTICE TO CONGRESS ON USE OF AUTHORITY.—Upon using the authority in subsection (a) to make funds available for support of non-conventional assisted recovery activities, the Secretary of Defense shall notify the congressional defense committees expeditiously, and in any event within 48 hours, of the use of such authority with respect to support of such activities. Such notice need be provided only once with respect to support of particular activities. Any such notice shall be in writing.

(e) INTELLIGENCE ACTIVITIES.—This section does not constitute authority to conduct a covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b(e)).

(f) ANNUAL REPORT.—Not later than 30 days after the close of each fiscal year during which subsection (a) is in effect, the Secretary of Defense shall submit to the congressional defense committees a report on the support provided under that subsection during such fiscal year. Each such report shall describe the support provided, including a statement of the recipient of the support and the amount obligated to provide the support.

(g) EXPIRATION.—The authority in subsection (a) shall expire on September 30, 2010.

Subtitle B—Department of Defense Participation in Bilateral, Multilateral, and Regional Cooperation Programs

SEC. 1211. AVAILABILITY ACROSS FISCAL YEARS OF FUNDS FOR MILITARY-TO-MILITARY CONTACTS AND COMPARABLE ACTIVITIES.

(a) IN GENERAL.—Section 168(e) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5) Funds available to carry out this section shall be available, to the extent provided in appropriations Acts, for programs or activities under this section that begin in a fiscal year and end in the following fiscal year.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to programs and activities under section 168 of title 10, United States Code (as so amended), that begin on or after that date.

SEC. 1212. ENHANCEMENT OF AUTHORITIES RELATING TO DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.

(a) AVAILABILITY OF FUNDS FOR ACTIVITIES ACROSS FISCAL YEARS.—

(1) IN GENERAL.—Section 184(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) Funds available to carry out this section, including funds accepted under paragraph (4) and funds available under paragraph (5), shall be available, to the extent provided in appropriations Acts, for programs and activities under this section that begin in a fiscal year and end in the following fiscal year.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2008, and shall apply with respect to programs and activities under section 184 of title 10, United States Code (as so amended), that begin on or after that date.

(b) TEMPORARY WAIVER OF REIMBURSEMENT OF COSTS OF ACTIVITIES FOR NONGOVERNMENTAL PERSONNEL.—

(1) AUTHORITY FOR TEMPORARY WAIVER.—In fiscal years 2009 and 2010, the Secretary of Defense may, with the concurrence of the Secretary of State, waive reimbursement otherwise required under subsection (f) of section 184 of title 10, United States Code, of the costs of activities of Regional Centers under such section for personnel of nongovernmental and international organizations who participate in activities of the Regional Centers that enhance cooperation of nongovernmental organizations and international organizations with United States forces if the Secretary of Defense determines that attendance of such personnel without reimbursement is in the national security interests of the United States.

(2) LIMITATION.—The amount of reimbursement that may be waived under paragraph (1) in any fiscal year may not exceed $1,000,000.

(3) ANNUAL REPORT.—The Secretary of Defense shall include in the annual report under section 184(h) of title 10, United States Code, in 2010 and 2011 information on the attendance of personnel of nongovernmental and international organizations in activities of the Regional Centers during the preceding fiscal year for which a waiver of reimbursement was made under paragraph (1), including information on the costs incurred by the United States for the participation of personnel of each nongovernmental or international organization that so attended.

SEC. 1213. PAYMENT OF PERSONNEL EXPENSES FOR MULTILATERAL COOPERATION PROGRAMS.

(a) EXPANSION OF AUTHORITY FOR BILATERAL AND REGIONAL PROGRAMS TO COVER MULTILATERAL PROGRAMS.—Section 1051 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''a bilateral'' and inserting ''a multilateral, bilateral,''; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''to and'' and inserting ''to, from, and''; and

(ii) by striking ''bilateral'' and inserting ''multilateral, bilateral,''; and

(B) in paragraph (2), by striking ''bilateral'' and inserting ''multilateral, bilateral,''.

(b) AVAILABILITY OF FUNDS FOR PROGRAMS AND ACTIVITIES ACROSS FISCAL YEARS.—Such section is further amended by adding at the end the following new subsection:

''(e) Funds available to carry out this section shall be available, to the extent provided in appropriations Acts, for programs and activities under this section that begin in a fiscal year and end in the following fiscal year.''.

(c) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 1051. Multilateral, bilateral, or regional cooperation programs: payment of personnel expenses''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by striking the item relating to section 1051 and inserting the following new item:

''1051. Multilateral, bilateral, or regional cooperation programs: payment of personnel expenses.''.

SEC. 1214. PARTICIPATION OF THE DEPARTMENT OF DEFENSE IN MULTINATIONAL MILITARY CENTERS OF EXCELLENCE.

(a) PARTICIPATION AUTHORIZED.—

(1) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2350m. Participation in multinational military centers of excellence

''(a) PARTICIPATION AUTHORIZED.—The Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of members of the armed forces and Department of Defense civilian personnel in any multinational military center of excellence hosted by any nation or combination of nations referred to in subsection (b) for purposes of—

''(1) enhancing the ability of military forces and civilian personnel of the nations participating in such center to engage in joint exercises or coalition or international military operations; or

''(2) improving interoperability between the armed forces and the military forces of friendly foreign nations.

''(b) COVERED NATIONS.—The nations referred to in this subsection are the following:

''(1) The United States.

''(2) Any member nation of the North Atlantic Treaty Organization (NATO).

''(3) Any major non-NATO ally.

''(4) Any other friendly foreign nation identified by the Secretary of Defense, with the concurrence of the Secretary of State, for purposes of this section.

''(c) MEMORANDUM OF UNDERSTANDING.—(1) The participation of members of the armed forces or Department of Defense civilian personnel in a multinational military center of excellence under subsection (a) shall be in accordance with the terms of one or more memoranda of understanding entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and the foreign nation or nations concerned.

''(2) If Department of Defense facilities, equipment, or funds are used to support a multinational military center of excellence under subsection (a), the memoranda of understanding under paragraph (1) with respect to that center shall provide details of any cost-sharing arrangement or other funding arrangement.

''(d) AVAILABILITY OF APPROPRIATED FUNDS.—(1) Funds appropriated to the Department of Defense for operation and maintenance are available as follows:

''(A) To pay the United States share of the operating expenses of any multinational military center of excellence in which the United States participates under this section.

''(B) To pay the costs of the participation of members of the armed forces and Department of Defense civilian personnel in multinational military centers of excellence under this section, including the costs of expenses of such participants.

''(2) No funds may be used under this section to fund the pay or salaries of members of the armed forces and Department of Defense civilian personnel who participate in multinational military centers of excellence under this section.

''(e) USE OF DEPARTMENT OF DEFENSE FACILITIES AND EQUIPMENT.—Facilities and equipment of the Department of Defense may be used for purposes of the support of multinational military centers of excellence under this section that are hosted by the Department.

''(f) ANNUAL REPORTS ON USE OF AUTHORITY.—(1) Not later than October 31, 2009, and annually thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the use of the authority in this section during the preceding fiscal year.

''(2) Each report required by paragraph (1) shall include, for the fiscal year covered by such report, the following:

''(A) A detailed description of the participation of the Department of Defense, and of members of the armed forces and civilian personnel of the Department, in multinational military centers of excellence under the authority of this section.

''(B) For each multinational military center of excellence in which the Department of Defense, or members of the armed forces or civilian personnel of the Department, so participated—

''(i) a description of such multinational military center of excellence;

''(ii) a description of the activities participated in by the Department, or by members of the armed forces or civilian personnel of the Department; and

''(iii) a statement of the costs of the Department for such participation, including—

''(I) a statement of the United States share of the expenses of such center and a statement of the percentage of the United States share of the expenses of such center to the total expenses of such center; and

''(II) a statement of the amount of such costs (including a separate statement of the amount of costs paid for under the authority of this section by category of costs).

''(g) DEFINITIONS.—In this section:

''(1) The term 'multinational military center of excellence' means an entity sponsored by one or more nations that is accredited and approved by the Military Committee of the North Atlantic Treaty Organization (NATO) as offering recognized expertise and experience to personnel participating in the activities of such entity for the benefit of NATO by providing such personnel opportunities to—

''(A) enhance education and training;

''(B) improve interoperability and capabilities;

''(C) assist in the development of doctrine; and

''(D) validate concepts through experimentation.

''(2) The term 'major non-NATO ally' means a country (other than a member nation of the North Atlantic Treaty Organization) that is designated as a major non-NATO ally pursuant to section 517 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 138 of such title is amended by adding at the end the following new item:

''2350m. Participation in multinational military centers of excellence.''.

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1205 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2416) is repealed.

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

Subtitle C—Other Authorities and Limitations

SEC. 1221. WAIVER OF CERTAIN SANCTIONS AGAINST NORTH KOREA.

(a) ANNUAL WAIVER AUTHORITY.—

(1) IN GENERAL.—Except as provided in subsection (b), the President may waive in whole or in part, with respect to North Korea, the application of any sanction under section 102(b) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)) for the purpose of—

(A) assisting in the implementation and verification of the compliance by North Korea with its commitment, undertaken in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula; and

(B) promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction and their delivery systems.

(2) DURATION OF WAIVER.—Any waiver issued under this subsection shall expire at the end of the calendar year in which issued.

(b) EXCEPTIONS.—

(1) LIMITED EXCEPTION RELATED TO CERTAIN SANCTIONS AND PROHIBITIONS.—The authority under subsection (a) shall not apply with respect to a sanction or prohibition under subparagraph (B), (C), or (G) of section 102(b)(2) of the Arms Export Control Act unless the President determines and certifies to the appropriate congressional committees that—

(A) all reasonable steps will be taken to ensure that the articles or services exported or otherwise provided will not be used to improve the military capabilities of the armed forces of North Korea; and

(B) such waiver is in the national security interests of the United States.

(2) LIMITED EXCEPTION RELATED TO CERTAIN ACTIVITIES.—Unless the President determines and certifies to the appropriate congressional committees that using the authority under subsection (a) is vital to the national security interests of the United States, such authority shall not apply with respect to—

(A) an activity described in subparagraph (A) of section 102(b)(1) of the Arms Export Control Act that occurs after September 19, 2005, and before the date of the enactment of this Act;

(B) an activity described in subparagraph (C) of such section that occurs after September 19, 2005; or

(C) an activity described in subparagraph (D) of such section that occurs after the date of the enactment of this Act.

(3) EXCEPTION RELATED TO CERTAIN ACTIVITIES OCCURRING AFTER DATE OF ENACTMENT.—The authority under subsection (a) shall not apply with respect to an activity described in subparagraph (A) or (B) of section 102(b)(1) of the Arms Export Control Act that occurs after the date of the enactment of this Act.

(c) NOTIFICATIONS AND REPORTS.—

(1) CONGRESSIONAL NOTIFICATION.—The President shall notify the appropriate congressional committees in writing not later than 15 days before exercising the waiver authority under subsection (a).

(2) ANNUAL REPORT.—Not later than January 31, 2009, and annually thereafter, the President shall submit to the appropriate congressional committees a report that—

(A) lists all waivers issued under subsection (a) during the preceding year;

(B) describes in detail the progress that is being made in the implementation of the commitment undertaken by North Korea, in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula;

(C) discusses specifically any shortcomings in the implementation by North Korea of that commitment; and

(D) lists and describes the progress and shortcomings, in the preceding year, of all other programs promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction or their delivery systems.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives.

Subtitle D—Reports

SEC. 1231. EXTENSION AND MODIFICATION OF UPDATES ON REPORT ON CLAIMS RELATING TO THE BOMBING OF THE LABELLE DISCOTHEQUE.

Section 122(b)(2) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3465), as amended by section 1262(1)(B) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 405), is further amended—

(1) by striking ''Not later than one year after enactment of this Act, and not later than two years after enactment of this Act'' and inserting ''Not later than the end of each calendar quarter ending after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2009''; and

(2) by adding at the end the following new sentence: ''Each update under this paragraph after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2009 shall be submitted in unclassified form, but may include a classified annex.''.

SEC. 1232. REPORT ON UTILIZATION OF CERTAIN GLOBAL PARTNERSHIP AUTHORITIES.

(a) IN GENERAL.—Not later than December 31, 2010, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress a report on the implementation of the Building Global Partnership authorities during the period beginning on the date of the enactment of this Act and ending on September 30, 2010.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A detailed summary of the programs conducted under the Building Global Partnership authorities during the period covered by the report, including, for each country receiving assistance under such a program, a description of the assistance provided and its cost.

(2) An assessment of the impact of the assistance provided under the Building Global Partnership authorities with respect to each country receiving assistance under such authorities.

(3) A description of—

(A) the processes used by the Department of Defense and the Department of State to jointly formulate, prioritize, and select projects to be funded under the Building Global Partnership authorities; and

(B) the processes, if any, used by the Department of Defense and the Department of State to evaluate the success of each project so funded after its completion.

(4) A statement of the projects initiated under the Building Global Partnership authorities that were subsequently transitioned to and sustained under the authorities of the Foreign Assistance Act of 1961 or other authorities.

(5) An assessment of the utility of the Building Global Partnership authorities, and of any gaps in such authorities, including an assessment of the feasability and advisability of continuing such authorities beyond their current dates of expiration (whether in their current form or with such modifications as the Secretary of Defense and the Secretary of State jointly consider appropriate).

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives.

(2) BUILDING GLOBAL PARTNERSHIP AUTHORITIES.—The term ''Building Global Partnership authorities'' means the following:

(A) AUTHORITY FOR BUILDING CAPACITY OF FOREIGN MILITARY FORCES.—The authorities provided in section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as amended by section 1206 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2418) and section 1204 of this Act.

(B) AUTHORITY FOR SECURITY AND STABILIZATION ASSISTANCE.—The authorities provided in section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3458), as amended by section 1210 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 369) and section 1205 of this Act.

(C) CIVIC ASSISTANCE AUTHORITIES UNDER COMBATANT COMMANDER INITIATIVE FUND.—The authority to engage in urgent and unanticipated civic assistance under the Combatant Commander Initiative Fund under section 166a(b)(6) of title 10, United States Code, as a result of the amendments made by section 902 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2351).

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note).

(b) FISCAL YEAR 2009 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2009 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $434,135,000 authorized to be appropriated to the Department of Defense for fiscal year 2009 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $79,985,000.

(2) For nuclear weapons storage security in Russia, $33,101,000.

(3) For nuclear weapons transportation security in Russia, $40,800,000.

(4) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $50,286,000.

(5) For biological threat reduction in the states of the former Soviet Union, $184,463,000.

(6) For chemical weapons destruction in Russia, $1,000,000.

(7) For threat reduction outside the former Soviet Union, $10,000,000.

(8) For defense and military contacts, $8,000,000.

(9) For activities designated as Other Assessments/Administrative Support, $20,100,000.

(10) For strategic offensive arms elimination in Ukraine, $6,400,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2009 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (10) of subsection (a) until 15 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2009 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2009 for a purpose listed in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $198,150,000.

(2) For the Defense Working Capital Fund, Defense Commissary, $1,291,084,000.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the National Defense Sealift Fund in the amount of $1,608,553,000.

SEC. 1403. DEFENSE HEALTH PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $24,802,202,000, of which—

(1) $24,301,359,000 is for Operation and Maintenance;

(2) $196,938,000 is for Research, Development, Test, and Evaluation; and

(3) $303,905,000 is for Procurement.

(b) SOURCE OF CERTAIN FUNDS.—Of the amount available under subsection (a), $1,300,000,000 shall, to the extent provided in advance in an Act making appropriations for fiscal year 2009, be available by transfer from the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h).

SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,485,634,000, of which—

(1) $1,152,668,000 is for Operation and Maintenance;

(2) $268,881,000 is for Research, Development, Test, and Evaluation; and

(3) $64,085,000 is for Procurement.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $1,060,463,000.

SEC. 1406. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $273,845,000, of which—

(1) $270,445,000 is for Operation and Maintenance; and

(2) $3,400,000 is for Procurement.

SEC. 1407. REDUCTION IN CERTAIN AUTHORIZATIONS DUE TO SAVINGS FROM LOWER INFLATION.

(a) REDUCTION.—The aggregate amount authorized to be appropriated by this division is the amount equal to the sum of all the amounts authorized to be appropriated by the provisions of this division reduced by $1,048,000,000, to be allocated as follows:

(1) PROCUREMENT.—The aggregate amount authorized to be appropriated by title I is hereby reduced by $313,000,000.

(2) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The aggregate amount authorized to be appropriated by title II is hereby reduced by $239,000,000.

(3) OPERATION AND MAINTENANCE.—The aggregate amount authorized to be appropriated by title III is hereby reduced by $470,000,000.

(4) OTHER AUTHORIZATIONS.—The aggregate amount authorized to be appropriated by title XIV is hereby reduced by $26,000,000

(b) SOURCE OF SAVINGS.—Reductions required in order to comply with subsection (a) shall be derived from savings resulting from lower-than-expected inflation as a result of the difference between the inflation assumptions used in the Concurrent Resolution on the Budget for Fiscal Year 2009 when compared with the inflation assumptions used in the budget of the President for fiscal year 2009, as submitted to Congress pursuant to section 1005 of title 31, United States Code.

(c) ALLOCATION OF REDUCTIONS.—The Secretary of Defense shall allocate the reductions required by this section among the amounts authorized to be appropriated for accounts in titles I, II, III, and XIV to reflect the extent to which net savings from lower-than-expected inflations are allocable to amounts authorized to be appropriated to such accounts.

Subtitle B—Armed Forces Retirement Home

SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is authorized to be appropriated for fiscal year 2009 from the Armed Forces Retirement Home Trust Fund the sum of $63,010,000 for the operation of the Armed Forces Retirement Home.

Subtitle C—Other Matters

SEC. 1431. RESPONSIBILITIES FOR CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSIONS IN COLORADO AND KENTUCKY.

Section 172 of the National Defense Authorization Act for Fiscal Year 1993 (50 U.S.C. 1521 note) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) COLORADO AND KENTUCKY CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSIONS.—(1) Notwithstanding subsections (b), (g), and (h), and consistent with section 142 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1521 note) and section 8122 of the Department of Defense Appropriations Act, 2003 (Public Law 107–248; 116 Stat. 1566; 50 U.S.C. 1521 note), the Secretary of the Army shall transfer responsibilities for the Chemical Demilitarization Citizens' Advisory Commissions in Colorado and Kentucky to the Program Manager for Assembled Chemical Weapons Alternatives.

''(2) In carrying out the responsibilities transferred under paragraph (1), the Program Manager for Assembled Chemical Weapons Alternatives shall take appropriate actions to ensure that each Commission referred to in paragraph (1) retains the capacity to receive citizen and State concerns regarding the ongoing chemical demilitarization program in the State concerned.

''(3) A representative of the Office of the Assistant to the Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs shall meet with each Commission referred to in paragraph (1) not less often than twice a year.

''(4) Funds authorized to be appropriated for the Assembled Chemical Weapons Alternatives Program shall be available for travel and associated travel cost for Commissioners on the Commissions referred to in paragraph (1) when such travel is conducted at the invitation of the Special Assistant for Chemical and Biological Defense and Chemical Demilitarization Programs of the Department of Defense.''.

SEC. 1432. MODIFICATION OF DEFINITION OF "DEPARTMENT OF DEFENSE SEALIFT VESSEL" FOR PURPOSES OF THE NATIONAL DEFENSE SEALIFT FUND.

Section 2218(1)(2) of title 10, United States Code, is amended—

(1) by striking subparagraph (B) and inserting the following new subparagraph (B):

''(B) A maritime prepositioning ship, other than a ship derived from a Navy design for an amphibious ship or auxiliary support vessel.''; and

(2) by striking subparagraph (I).

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATIONS IN AFGHANISTAN

SEC. 1501. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2009 to provide additional funds for operations in Afghanistan.

SEC. 1502. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Army in amounts as follows:

(1) For aircraft procurement, $250,000,000.

(2) For missile procurement, $12,500,000.

(3) For weapons and tracked combat vehicles procurement, $375,000,000.

(4) For ammunition procurement, $87,500,000.

(5) For other procurement, $1,100,000,000.

SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Navy in amounts as follows:

(1) For aircraft procurement, $25,000,000.

(2) For weapons procurement, $12,500,000.

(3) For other procurement, $25,000,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for the Marine Corps in the amount of $250,000,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of $75,000,000.

SEC. 1504. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Air Force in amounts as follows:

(1) For aircraft procurement, $400,000,000.

(2) For missile procurement, $12,500,000.

(3) For ammunition procurement, $12,500,000.

(4) For other procurement, $150,000,000.

SEC. 1505. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized for fiscal year 2009 for the Joint Improvised Explosive Device Defeat Fund in the amount of $750,000,000.

(b) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as amended by subsection (c) of this section, shall apply to the funds appropriated pursuant to the authorization of appropriations in subsection (a).

(c) MODIFICATION OF FUNDS TRANSFER AUTHORITY.—Subsection (c)(1) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 is amended—

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively.

(d) PRIOR NOTICE OF TRANSFER OF FUNDS.—Funds authorized to be appropriated to the Joint Improvised Explosive Device Defeat Fund by subsection (a) may not be obligated from the Fund or transferred in accordance with the provisions of subsection (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007, as amended by subsection (c) of this section, until five days after the date on which the Secretary of Defense notifies the congressional defense committees of the proposed obligation or transfer.

(e) MODIFICATION OF SUBMITTAL DATE OF REPORTS.—Subsection (e) of such section 1514 is amended by striking ''30 days'' and inserting ''60 days''.

SEC. 1506. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for Defense-wide activities as follows:

(1) For Defense-wide procurement, $62,500,000.

(2) For the Mine Resistant Ambush Protected Vehicle Fund, $100,000,000.

SEC. 1507. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $15,000,000.

(2) For the Navy, $15,000,000.

(3) For the Air Force, $15,000,000.

(4) For Defense-wide activities, $15,000,000.

SEC. 1508. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $9,000,000,000.

(2) For the Navy, $500,000,000.

(3) For the Marine Corps, $1,000,000,000.

(4) For the Air Force, $500,000,000.

(5) For Defense-wide activities, $668,750,000.

(6) For the Army Reserve, $12,500,000.

(7) For the Navy Reserve, $7,500,000.

(8) For the Marine Corps Reserve, $10,000,000.

(9) For the Air Force Reserve, $3,750,000.

(10) For the Army National Guard, $75,000,000.

(11) For the Air National Guard, $12,500,000.

SEC. 1509. MILITARY PERSONNEL.

There is hereby authorized to be appropriated for fiscal year 2009 for the Department of Defense for military personnel in amounts as follows:

(1) For the Army, $500,000,000.

(2) For the Navy, $25,000,000.

(3) For the Marine Corps, $62,500,000.

(4) For the Air Force, $25,000,000.

(5) For the Army Reserve, $25,000,000.

(6) For the Navy Reserve, $7,500,000.

(7) For the Marine Corps Reserve, $5,000,000.

(8) For the Army National Guard, $100,000,000.

SEC. 1510. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in the amount of $250,000,000, for the Defense Working Capital Funds.

SEC. 1511. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $155,000,000 for operation and maintenance.

(b) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide in the amount of $150,000,000.

SEC. 1512. AFGHANISTAN SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the Afghanistan Security Forces Fund in the amount of $3,000,000,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds authorized to be appropriated by subsection (a) shall be available to the Secretary of Defense to provide assistance to the security forces of Afghanistan.

(2) TYPES OF ASSISTANCE AUTHORIZED.—Assistance provided under this section may include the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction, and funds.

(3) SECRETARY OF STATE CONCURRENCE.—Assistance may be provided under this section only with the concurrence of the Secretary of State.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Afghanistan Security Forces Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Overseas Humanitarian, Disaster, and Civic Aid.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO FUND.—Upon a determination that all or part of the funds transferred from the Afghanistan Security Forces Fund under paragraph (1) are not necessary for the purpose for which transferred, such funds may be transferred back to the Afghanistan Security Forces Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) PRIOR NOTICE TO CONGRESS OF OBLIGATION OR TRANSFER.—Funds may not be obligated from the Afghanistan Security Forces Fund, or transferred under subsection (d)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(f) CONTRIBUTIONS.—

(1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Subject to paragraph (2), the Secretary of Defense may accept contributions of amounts to the Afghanistan Security Forces Fund for the purposes provided in subsection (b) from any foreign government or international organization. Any amounts so accepted shall be credited to the Afghanistan Security Forces Fund.

(2) LIMITATION.—The Secretary may not accept a contribution under this subsection if the acceptance of the contribution would compromise or appear to compromise the integrity of any program of the Department of Defense.

(3) USE.—Amounts accepted under this subsection shall be available for assistance authorized by subsection (b), including transfer under subsection (d) for that purpose.

(4) NOTIFICATION.—The Secretary shall notify the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, in writing, upon the acceptance, and upon the transfer under subsection (d), of any contribution under this subsection. Such notice shall specify the source and amount of any amount so accepted and the use of any amount so accepted.

(g) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional defense committees a report summarizing the details of any obligation or transfer of funds from the Afghanistan Security Forces Fund during such fiscal-year quarter.

(h) EXPIRATION OF AUTHORITY.—The authority in this section shall expire on September 30, 2010.

SEC. 1513. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1514. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title and title XVI for fiscal year 2009 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $3,000,000,000, of which not more than $300,000,000 may be transferred to the Iraq Security Forces Fund.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

SEC. 1515. LIMITATION ON USE OF FUNDS.

(a) REPORT.—Amounts authorized to be appropriated by this title may not be obligated until 15 days after the Secretary of Defense has transmitted to the congressional defense committees a report setting forth the proposed allocation of such amounts at the program, project, or activity level.

(b) EFFECT OF REPORT.—The report required by subsection (a) shall serve as a base for reprogramming for the purposes of sections 1514 and 1001.

SEC. 1516. REQUIREMENT FOR SEPARATE DISPLAY OF BUDGET FOR AFGHANISTAN.

(a) IN GENERAL.—In any annual or supplemental budget request for the Department of Defense that is submitted to Congress after the date of the enactment of this Act, the Secretary of Defense shall set forth separately any funding requested in such budget request for operations of the Department of Defense in Afghanistan.

(b) SPECIFICITY OF DISPLAY.—Each budget request under subsection (a) shall—

(1) clearly display the amounts requested in the budget request for the Department of Defense for Afghanistan at the appropriation account level and at the program, project, or activity level; and

(2) also include a detailed description of the assumptions underlying the funding requested in the budget request for the Department of Defense for Afghanistan for the period covered by the budget request, including anticipated troop levels, operating tempos, and reset requirements.

TITLE XVI—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATIONS IN IRAQ

SEC. 1601. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2009 to provide additional funds for operations in Iraq.

SEC. 1602. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement

accounts for the Army in amounts as follows:

(1) For aircraft procurement, $750,000,000.

(2) For missile procurement, $37,500,000.

(3) For weapons and tracked combat vehicles procurement, $1,125,000,000.

(4) For ammunition procurement, $262,500,000.

(5) For other procurement, $3,300,000,000.

SEC. 1603. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Navy in amounts as follows:

(1) For aircraft procurement, $75,000,000.

(2) For weapons procurement, $37,500,000.

(3) For other procurement, $75,000,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for the Marine Corps in the amount of $750,000,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of $225,000,000.

SEC. 1604. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Air Force in amounts as follows:

(1) For aircraft procurement, $400,000,000.

(2) For missile procurement, $37,500,000.

(3) For ammunition procurement, $37,500,000.

(4) For other procurement, $450,000,000.

SEC. 1605. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized for fiscal year 2009 for the Joint Improvised Explosive Device Defeat Fund in the amount of $2,250,000,000.

(b) RULE OF CONSTRUCTION.—The provisions of section 1505 and the amendments made by that section shall apply to the use of funds authorized to be appropriated by this section.

SEC. 1606. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for Defense-wide activities as follows:

(1) For Defense-wide procurement, $187,500,000.

(2) For the Mine Resistant Ambush Protected Vehicle Fund, $500,000,000.

SEC. 1607. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $35,000,000.

(2) For the Navy, $35,000,000.

(3) For the Air Force, $35,000,000.

(4) For Defense-wide activities, $35,000,000.

SEC. 1608. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $27,000,000,000.

(2) For the Navy, $1,500,000,000.

(3) For the Marine Corps, $3,000,000,000.

(4) For the Air Force, $1,500,000,000.

(5) For Defense-wide activities, $1,811,250,000.

(6) For the Army Reserve, $37,500,000.

(7) For the Navy Reserve, $22,500,000.

(8) For the Marine Corps Reserve, $30,000,000.

(9) For the Air Force Reserve, $11,250,000.

(10) For the Army National Guard, $225,000,000.

(11) For the Air National Guard, $37,500,000.

SEC. 1609. MILITARY PERSONNEL.

There is hereby authorized to be appropriated for fiscal year 2009 for the Department of Defense for military personnel in amounts as follows:

(1) For the Army, $1,500,000,000.

(2) For the Navy, $75,000,000.

(3) For the Marine Corps, $187,500,000.

(4) For the Air Force, $75,000,000.

(5) For the Army Reserve, $75,000,000.

(6) For the Navy Reserve, $22,500,000.

(7) For the Marine Corps Reserve, $15,000,000.

(8) For the Army National Guard, $300,000,000.

SEC. 1610. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in the amount of $750,000,000, for the Defense Working Capital Funds.

SEC. 1611. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $460,000,000 for operation and maintenance.

SEC. 1612. IRAQ FREEDOM FUND.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the Iraq Freedom Fund in the amount of $150,000,000.

(b) TRANSFER.—

(1) TRANSFER AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Freedom Fund to any accounts as follows:

(A) Operation and maintenance accounts of the Armed Forces.

(B) Military personnel accounts.

(C) Research, development, test, and evaluation accounts of the Department of Defense.

(D) Procurement accounts of the Department of Defense.

(E) Accounts providing funding for classified programs.

(F) The operating expenses account of the Coast Guard.

(2) NOTICE TO CONGRESS.—A transfer may not be made under the authority in paragraph (1) until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the transfer.

(3) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to an account under the authority in paragraph (1) shall be merged with amounts in such account and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

SEC. 1613. IRAQ SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the Iraq Security Forces Fund in the amount of $200,000,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds appropriated pursuant to subsection (a) shall be available to the Secretary of Defense for the purpose of allowing the Commander, Multi-National Security Transition Command–Iraq, to provide assistance to the security forces of Iraq.

(2) TYPES OF ASSISTANCE AUTHORIZED.—Assistance provided under this section may include the provision of equipment, supplies, services, and training.

(3) SECRETARY OF STATE CONCURRENCE.—Assistance may be provided under this section only with the concurrence of the Secretary of State.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Security Forces Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Overseas Humanitarian, Disaster, and Civic Aid account.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO THE FUND.—Upon determination that all or part of the funds transferred from the Iraq Security Forces Fund under paragraph (1) are not necessary for the purpose provided, such funds may be transferred back to the Iraq Security Forces Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) NOTICE TO CONGRESS.—Funds may not be obligated from the Iraq Security Forces Fund, or transferred under the authority provided in subsection (d)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(f) CONTRIBUTIONS.—

(1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Subject to paragraph (2), the Secretary of Defense may accept contributions of amounts to the Iraq Security Forces Fund for the purposes provided in subsection (b) from any foreign government or international organization. Any amounts so accepted shall be credited to the Iraq Security Forces Fund.

(2) LIMITATION.—The Secretary may not accept a contribution under this subsection if the acceptance of the contribution would compromise or appear to compromise the integrity of any program of the Department of Defense.

(3) USE.—Amounts accepted under this subsection shall be available for assistance authorized by subsection (b), including transfer under subsection (d) for that purpose.

(4) NOTIFICATION.—The Secretary shall notify the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, in writing, upon the acceptance, and upon the transfer under subsection (d), of any contribution under this subsection. Such notice shall specify the source and amount of any amount so accepted and the use of any amount so accepted.

(g) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional defense committees a report summarizing the details of any obligation or transfer of funds from the Iraq Security Forces Fund during such fiscal-year quarter.

(h) EXPIRATION OF AUTHORITY.—The authority in this section shall expire on September 30, 2010.

SEC. 1614. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1615. LIMITATION ON USE OF FUNDS.

(a) REPORT.—Amounts authorized to be appropriated by this title may not be obligated until 15 days after the Secretary of Defense has transmitted to the congressional defense committees a report setting forth the proposed allocation of such amounts at the program, project, or activity level.

(b) EFFECT OF REPORT.—The report required by subsection (a) shall serve as a base for reprogramming for the purposes of sections 1514 and 1001.

SEC. 1616. CONTRIBUTIONS BY THE GOVERNMENT OF IRAQ TO LARGE-SCALE INFRASTRUCTURE PROJECTS, COMBINED OPERATIONS, AND OTHER ACTIVITIES IN IRAQ.

(a) FINDING.—The Senate finds that the financial contributions of the Government of Iraq to the reconstruction and stability of Iraq have been increasing.

(b) LARGE-SCALE INFRASTRUCTURE PROJECTS.—

(1) LIMITATION ON AVAILABILITY OF UNITED STATES FUNDS FOR PROJECTS.—Amounts authorized to be appropriated by this Act (other than amounts described in paragraph (3)) may not be obligated or expended for any large-scale infrastructure project in Iraq that is commenced after the date of the enactment of this Act.

(2) FUNDING OF RECONSTRUCTION PROJECTS BY THE GOVERNMENT OF IRAQ.—The United States Government shall work with the Government of Iraq to provide that the Government of Iraq shall obligate and expend funds of the Government of Iraq for reconstruction projects in Iraq that are not large-scale infrastructure projects before obligating and expending United States assistance (other than amounts described in paragraph (3)) for such projects.

(3) EXCEPTION FOR CERP.—The limitations in paragraphs (1) and (2) do not apply to amounts authorized to be appropriated by this Act for the Commanders' Emergency Response Program (CERP).

(4) LARGE-SCALE INFRASTRUCTURE PROJECT DEFINED.—In this subsection, the term ''large-scale infrastructure project'' means any construction project for infrastructure in Iraq that is estimated by the United States Government at the time of the commencement of the project to cost at least $2,000,000.

(c) COMBINED OPERATIONS.—

(1) IN GENERAL.—The United States Government shall initiate negotiations with the Government of Iraq on an agreement under which the Government of Iraq shall share with the United States Government the costs of combined operations of the Government of Iraq and the Multinational Forces Iraq undertaken as part of Operation Iraqi Freedom.

(2) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall, in conjunction with the Secretary of Defense, submit to Congress a report describing the status of negotiations under paragraph (1).

(d) IRAQI SECURITY FORCES.—

(1) IN GENERAL.—The United States Government shall take actions to ensure that Iraq funds are used to pay the following:

(A) The costs of the salaries, training, equipping, and sustainment of Iraqi Security Forces.

(B) The costs associated with the Sons of Iraq.

(2) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to Congress a report setting forth an assessment of the progress made in meeting the requirements of paragraph (1).

MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 2009

On Wednesday, the Senate passed S. 3003, as amended, as follows:

S. 3003

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 ''Military Construction Authorization Act for Fiscal Year 2009''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2009''.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2011; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2011; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2012 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, and XXIX shall take effect on the later of—

(1) October 1, 2008; or

(2) the date of the enactment of this Act.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	$45,000,000
	Redstone Arsenal	$16,500,000
Alaska	Fort Richardson	$18,100,000
	Fort Wainright	$110,400,000
Arizona	Fort Huachuca	$11,200,000
	Yuma Proving Ground	$3,800,000
California	Fort Irwin	$39,600,000
	Presidio, Monterey	$15,000,000
	Sierra Army Depot	$12,400,000
Colorado	Fort Carson	$534,000,000
Georgia	Fort Benning	$267,800,000
	Fort Stewart/Hunter Army Air Field	$432,300,000
Hawaii	Pohakuloa Training Area	$21,300,000
	Schofield Barracks	$279,000,000
	Wahiawa	$40,000,000
Indiana	Crane Army Ammunition Activity	$8,300,000
Kansas	Fort Riley	$132,000,000
Kentucky	Fort Campbell	$118,113,000
Louisiana	Fort Polk	$29,000,000
Michigan	Detroit Arsenal	$6,100,000
Missouri	Fort Leonard Wood	$31,650,000
New York	Fort Drum	$90,000,000
	United States Military Academy, West Point	$67,000,000
North Carolina	Fort Bragg	$36,900,000
Oklahoma	Fort Sill	$63,000,000
Pennsylvania	Carlisle Barracks	$13,400,000
	Letterkenny Army Depot	$7,500,000
	Tobyhanna Army Depot	$15,000,000
South Carolina	Fort Jackson	$30,000,000
Texas	Corpus Christi Storage Complex	$39,000,000
	Fort Bliss	$1,031,800,000
	Fort Hood	$32,000,000
	Fort Sam Houston	$96,000,000
	Red River Army Depot	$6,900,000
Virginia	Fort Belvoir	$7,200,000
	Fort Eustis	$28,000,000
	Fort Lee	$100,600,000
	Fort Myer	$14,000,000

Army: Inside the United States—Continued

State	Installation or Location	Amount
Washington	Fort Lewis	$158,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	$67,000,000
Germany	Katterbach	$19,000,000
	Wiesbaden Air Base	$119,000,000
Japan	Camp Zama	$2,350,000
	Sagamihara	$17,500,000
Korea	Camp Humphreys	$20,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Germany	Wiesbaden Air Base	326	$133,000,000
Korea	Camp Humphreys	216	$125,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $579,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $420,001,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $6,042,210,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $4,007,863,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $202,250,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $23,000,000.

(4) For host nation support and architectural and engineering services and construction design under section 2807 of title 10, United States Code, $200,807,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $678,580,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $716,110,000.

(6) For the construction of increment 3 of a barracks complex at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289), as added by section 2 of the Revised Continuing Resolution, 2007 (Public Law 110–5; 121 Stat. 41), $102,000,000.

(7) For the construction of increment 2 of the SOUTHCOM Headquarters at Miami Doral, Florida, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 504), $81,600,000.

(8) For the construction of increment 2 of the BDE Complex-Barracks/Community at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $15,000,000.

(9) For the construction of increment 2 of the BDE Complex-Operations Support Facility, at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $15,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $42,600,000 (the balance of the amount authorized under section 2101(b) for construction of a command and battle center at Wiesbaden, Germany).

SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), the authorizations set forth in the table in subsection (b), as provided in sections 2101 of that Act (118 Stat. 2101), shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Hawaii	Pohakuloa	Tactical Vehicle Wash Facility	$9,207,000
		Battle Area Complex	$33,660,000
Virginia	Fort Belvoir	Defense Access Road	$18,000,000

SEC. 2106. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2006 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorization set forth in the table in subsection (b), as provided in section 2101 of that Act (119 Stat. 3485), shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2005 Project Authorization

State	Installation or Location	Project	Amount
Hawaii	Schofield Barracks	Combined Arms Collective Training Facility.	$32,542,000

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	$19,490,000
California	Marine Corps Base, Camp Pendleton	$799,870,000
	Marine Corps Logistics Base, Barstow	$7,830,000
	Marine Corps Air Station, Miramar	$48,770,000
	Naval Air Facility, El Centro	$8,900,000
	Naval Facility, San Clemente Island	$34,020,000
	Naval Air Station, North Island	$53,262,000
	Marine Corps Recruit Depot, San Diego	$51,200,000
	Marine Corps Base, Twentynine Palms	$145,550,000
Connecticut	Naval Submarine Base, Groton	$46,060,000
	Submarine Base, New London	$11,000,000
District of Columbia	Naval Support Activity, Washington	$24,220,000
Florida	Naval Air Station, Jacksonville	$12,890,000
	Naval Station, Mayport	$14,900,000
	Naval Support Activity, Tampa	$29,000,000
Georgia	Marine Corps Logistics Base, Albany	$15,320,000
Hawaii	Marine Corps Base, Kaneohe	$28,200,000
	Pacific Missile Range, Barking Sands	$28,900,000
	Naval Station, Pearl Harbor	$80,290,000
Illinois	Recruit Training Command, Great Lakes	$62,940,000
Maine	Portsmouth Naval Shipyard	$20,660,000
Maryland	Naval Surface Warfare Center, Indian Head	$25,980,000
Mississippi	Naval Air Station, Meridian	$6,340,000
	Naval Construction Battalion Center, Gulfport	$12,770,000
New Jersey	Naval Air Warfare Center, Lakehurst	$15,440,000
	Naval Weapons Station, Earle	$8,160,000
North Carolina	Marine Corps Air Station, Cherry Point	$77,420,000
	Marine Corps Air Station, New River	$86,280,000
	Marine Corps Base, Camp Lejeune	$353,090,000
Pennsylvania	Naval Support Activity, Philadelphia	$22,020,000
Rhode Island	Naval Station, Newport	$29,900,000
South Carolina	Marine Corps Air Station, Beaufort	$5,940,000
	Marine Corps Recruit Depot, Parris Island	$64,750,000
Virginia	Marine Corps Base, Quantico	$150,290,000
	Naval Station, Norfolk	$53,330,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Cuba	Naval Air Station, Guantanamo Bay	$20,600,000
Diego Garcia	Diego Garcia	$35,060,000
Djibouti	Camp Lemonier	$18,580,000
Guam	Naval Activities, Guam	$88,430,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(3), the Secretary of the Navy may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Unspecified	Unspecified Worldwide	$66,020,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amount set forth in the following table:

Navy: Family Housing

Location	Installation or Location	Units	Amount
Cuba	Naval Air Station, Guantanamo Bay	146	$62,598,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,169,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $318,011,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $3,884,469,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $2,455,002,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $162,670,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2201(c), $66,020,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $13,670,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $239,128,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $382,778,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $376,062,000.

(7) For the construction of increment 2 of kilo wharf extension at Naval Forces Marianas Islands, Guam, authorized by section 2201(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $50,912,000.

(8) For the construction of increment 2 of the sub drive-in magnetic silencing facility at Naval Submarine Base, Pearl Harbor, Hawaii, authorized in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $41,088,000.

(9) For the construction of increment 3 of the National Maritime Intelligence Center, Suitland, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), $12,439,000.

(10) For the construction of increment 2 of hangar 5 recapitalizations at Naval Air Station, Whidbey Island, Washington, authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), $34,000,000.

(11) For the construction of increment 5 of the limited area production and storage complex at Naval Submarine Base, Kitsap, Bangor, Washington (formerly referred to as a project at the Strategic Weapons Facility Pacific, Bangor), authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493) and section 2206 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 514) $50,700,000.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2005 PROJECT INSIDE THE UNITED STATES.

The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493) and section 2206 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 514), is further amended—

(1) in the item relating to Strategic Weapons Facility Pacific, Bangor, Washington, by striking ''$295,000,000'' in the amount column and inserting ''$311,670,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$1,084,497,000''.

SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECTS INSIDE THE UNITED STATES.

(a) MODIFICATIONS.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), as amended by section 2205(a)(17) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 513) is amended—

(1) in the item relating to NMIC/Naval Support Activity, Suitland, Maryland, by striking ''$67,939,000'' in the amount column and inserting ''$76,288,000''; and

(2) in the item relating to Naval Air Station, Whidbey Island, Washington, by striking ''$57,653,000'' in the amount column and inserting ''$60,500,000''.

(b) CONFORMING AMENDMENTS.—Section 2204(b) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2452), is amended—

(1) in paragraph (2), by striking ''$56,159,000'' and inserting ''$64,508,000''; and

(2) in paragraph (3), by striking ''$31,153,000'' and inserting ''$34,000,000''.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alabama	Maxwell Air Force Base	$15,556,000
Alaska	Elmendorf Air Force Base	$138,300,000
Arizona	Davis Monthan Air Force Base	$15,000,000
California	Edwards Air Force Base	$3,100,000
	Travis Air Force Base	$12,100,000
Colorado	Peterson Air Force Base	$4,900,000
	United States Air Force Academy	$18,000,000
Delaware	Dover Air Force Base	$19,000,000
Florida	Cape Canaveral Air Station	$8,000,000
	Eglin Air Force Base	$19,000,000
	MacDill Air Force Base	$21,000,000
Georgia	Robins Air Force Base	$24,100,000
Hawaii	Hickam Air Force Base	$8,700,000
Louisiana	Barksdale Air Force Base	$14,600,000
Maryland	Andrews Air Force Base	$77,648,000
Mississippi	Columbus Air Force Base	$8,100,000
	Keesler Air Force Base	$6,600,000
Montana	Malmstrom Air Force Base	$10,000,000
Nebraska	Offutt Air Force Base	$11,800,000
Nevada	Creech Air Force Base	$48,500,000
	Nellis Air Force Base	$63,100,000
New Mexico	Holloman Air Force Base	$25,450,000
North Carolina	Seymour Johnson Air Force Base	$12,200,000
North Dakota	Grand Forks Air Force Base	$13,000,000
Oklahoma	Altus Air Force Base	$10,200,000
	Tinker Air Force Base	$48,600,000
South Carolina	Charleston Air Force Base	$4,500,000
	Shaw Air Force Base	$9,900,000
South Dakota	Ellsworth Air Force Base	$11,000,000
Texas	Dyess Air Force Base	$21,000,000
	Fort Hood	$10,800,000

Air Force: Inside the United States—Continued

State	Installation or Location	Amount
	Lackland Air Force Base	$75,515,000
Utah	Hill Air Force Base	$41,400,000
Washington	McChord Air Force Base	$5,500,000
Wyoming	Francis E. Warren Air Force Base	$8,600,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Airfield	$57,200,000
Guam	Andersen Air Force Base	$5,200,000
Kyrgyzstan	Manas Air Base	$6,000,000
United Kingdom	Royal Air Force Lakenheath	$7,400,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2304(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified	Classified Location	$891,000
Worldwide Unspecified	Unspecified Worldwide Locations	$52,500,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Air Force: Family Housing

Location	Installation or Location	Purpose	Amount
United Kingdom	Royal Air Force Lakenheath	182 Units	$71,828,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $7,708,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $316,343,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,057,408,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $844,769,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $75,800,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $53,391,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $15,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $73,104,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $395,879,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $599,465,000.

SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the tables in subsection (b), as provided in section 2302 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Alaska	Eielson Air Force Base	Replace Family Housing (92 units)	$37,650,000
		Purchase Build/Lease Housing (300 units)	$18,144,000
California	Edwards Air Force Base	Replace Family Housing (226 units)	$59,699,000
Florida	MacDill Air Force Base	Replace Family Housing (109 units)	$40,982,000
Missouri	Whiteman Air Force Base	Replace Family Housing (111 units)	$26,917,000
North Carolina	Seymour Johnson Air Force Base	Replace Family Housing (255 units)	$48,868,000
North Dakota	Grand Forks Air Force Base	Replace Family Housing (150 units)	$43,353,000

SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), authorizations set forth in the table in subsection (b), as provided in sections 2301 and 2302 of that Act, shall

remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2005 Project Authorizations

State/Country	Installation or Location	Project	Amount
Arizona	Davis-Monthan Air Force Base	Replace Family Housing (250 units)	$48,500,000
California	Vandenberg Air Force Base	Replace Family Housing (120 units)	$30,906,000
Florida	MacDill Air Force Base	Construct Housing Maintenance Facility	$1,250,000
Missouri	Whiteman Air Force Base	Replace Family Housing (160 units)	$37,087,000
North Carolina	Seymour Johnson Air Force Base	Replace Family Housing (167 units)	$32,693,000
Germany	Ramstein Air Base	USAFE Theater Aerospace Operations Support Center	$24,204,000

TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or Location	Amount
Kentucky	Fort Campbell	$21,400,000
North Carolina	Fort Bragg	$78,471,000

Defense Intelligence Agency

State	Installation or Location	Amount
Illinois	Scott Air Force Base	$13,977,000

Defense Logistics Agency

State	Installation or Location	Amount
California	Defense Distribution Depot, Tracy	$50,300,000
Delaware	Defense Fuel Supply Center, Dover Air Force Base	$3,373,000
Florida	Defense Fuel Support Point, Jacksonville	$34,000,000
Georgia	Hunter Army Air Field	$3,500,000
Hawaii	Pearl Harbor	$27,700,000
New Mexico	Kirtland Air Force Base	$14,400,000
Oklahoma	Altus Air Force Base	$2,850,000
Pennsylvania	Philadelphia	$1,200,000
Utah	Hill Air Force Base	$20,400,000
Virginia	Craney Island	$39,900,000

National Security Agency

State	Installation or Location	Amount
Maryland	Fort Meade	$31,000,000

Special Operations Command

State	Installation or Location	Amount
California	Naval Amphibious Base, Coronado	$9,800,000
Florida	Eglin Air Force Base	$40,000,000
	Hurlburt Field	$8,900,000
	MacDill Air Force Base	$10,500,000
Kentucky	Fort Campbell	$15,000,000
New Mexico	Cannon Air Force Base	$26,400,000
North Carolina	Fort Bragg	$38,250,000
Virginia	Fort Story	$11,600,000
Washington	Fort Lewis	$38,000,000

TRICARE Management Activity

State	Installation or Location	Amount
Alaska	Fort Richardson	$6,300,000
Colorado	Buckley Air Force Base	$3,000,000
Georgia	Fort Benning	$3,900,000
Kansas	Fort Riley	$52,000,000
Kentucky	Fort Campbell	$24,000,000
Maryland	Aberdeen Proving Ground	$430,000,000
Missouri	Fort Leonard Wood	$22,000,000
Oklahoma	Tinker Air Force Base	$65,000,000
Texas	Fort Sam Houston	$13,000,000

Washington Headquarters Services

State	Installation or Location	Amount
Virginia	Pentagon Reservation	$38,940,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Logistics Agency

Country	Installation or Location	Amount
Germany	Germersheim	$48,000,000
Greece	Souda Bay	$27,761,000

Special Operations Command

Country	Installation or Location	Amount
Qatar	Al Udeid	$9,200,000

TRICARE Management Activity

Country	Installation or Location	Amount
Guam	Naval Activities	$30,000,000

Missile Defense Agency

Country	Installation or Location	Amount
Poland	Various Locations	$661,380,000
Czech Republic	Various Locations	$176,100,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(6), the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of $80,000,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $1,821,379,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $792,811,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $356,121,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $31,853,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $155,793,000.

(6) For energy conservation projects authorized by section 2402 of this Act, $80,000,000.

(7) For support of military family housing, including functions described in section 2833 of title 10, United States Code, and credits to the Department of Defense Family Housing Improvement Fund under section 2883 of title 10, United States Code, and the Homeowners Assistance Fund established under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), $54,581,000.

(8) For the construction of increment 4 of the National Security Agency regional security operations center at Augusta, Georgia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), as amended by section 7016 of the Emergency Supplemental Appropriation Act for Defense, Global War on Terrorism and Hurricane Relief (Public Law 109–234; 120 Stat. 485), $100,220,000.

(9) For the construction of increment 2 of the Army Medical Research Institute of Infectious Diseases Stage 1 at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $209,000,000.

(10) For the construction of increment 2 of the SOF Operational Facility at Dam Neck, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), $31,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $528,780,000 (the balance of the amount authorized for the Missile Defense Agency under section 2401(b) for the European interceptor site in Poland.

(3) $67,540,000 (the balance of the amount authorized for the Missile Defense Agency under section 2401(b) for the European midcourse radar site in the Czech Republic.

(c) LIMITATION ON EUROPEAN MISSILE DEFENSE CONSTRUCTION PROJECTS.—Funds appropriated pursuant to the authorization of appropriations in subsection (a)(2) for the projects authorized for the Missile Defense Agency under section 2401(b) may only be obligated or expended in accordance with the conditions specified in section 232 of this Act.

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECT.

(a) MODIFICATION.—The table relating to TRICARE Management Activity in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), is amended in the item relating to Fort Detrick, Maryland, by striking ''$550,000,000'' in the amount column and inserting ''$683,000,000''.

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2461) is amended by striking ''$521,000,000'' and inserting ''$654,000,000''.

SEC. 2405. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2006 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the tables in subsection (b), as provided in section 2401 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Logistics Agency: Extension of 2006 Project Authorization

Installation or Location	Project	Amount
Defense Logistics Agency	Defense Distribution Depot Susquehanna, New Cumberland, Pennsylvania	$6,500,000

Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZED CHEMICAL DEMILITARIZATION PROGRAM CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2412(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Chemical Demilitarization Program: Inside the United States

Army	Installation or Location	Amount
Army	Blue Grass Army Depot, Kentucky	$12,000,000

SEC. 2412. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction and land acquisition for chemical demilitarization in the total amount of $134,278,000, as follows:

(1) For military construction projects inside the United States authorized by section 2411(a), $12,000,000.

(2) For the construction of phase 10 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $65,060,000.

(3) For the construction of phase 9 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $67,218,000.

SEC. 2413. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1997 PROJECT.

(a) MODIFICATIONS.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2699), is amended—

(1) under the agency heading relating to the Chemical Demilitarization Program, in the item relating to Pueblo Army Depot, Colorado, by striking ''$261,000,000'' in the amount column and inserting ''$484,000,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$830,454,000''.

(b) CONFORMING AMENDMENT.—Section 2406(b)(2) of the Military Construction Authorization Act for Fiscal Year 1997 (110 Stat. 2779), as so amended, is further amended by striking ''$261,000,000'' and inserting ''$484,000,000''.

SEC. 2414. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECT.

(a) MODIFICATIONS.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), is amended—

(1) under the agency heading relating to Chemical Demilitarization, in the item relating to Blue Grass Army Depot, Kentucky, by striking ''$290,325,000'' in the amount column and inserting ''$492,000,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$949,920,000''.

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), is further amended by striking ''$267,525,000'' and inserting ''$469,200,000''.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $240,867,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations, and in the amounts, set forth in the following table:

Army National Guard

State	Location	Amount
Alabama	Fort McClellan	$3,000,000
Alaska	Bethel Armory	$16,000,000
Arizona	Camp Navajo	$13,000,000
	Florence	$13,800,000
	Papago Military Reservation	$24,000,000
Colorado	Denver	$9,000,000
	Grand Junction	$9,000,000
Connecticut	Camp Rell	$28,000,000
	East Haven	$13,800,000
Delaware	New Castle	$28,000,000
Florida	Camp Blanding	$12,400,000
Georgia	Dobbins Air Reserve Base	$45,000,000
Idaho	Orchard Training Area	$1,850,000
Illinois	Urbana Armory	$16,186,000
Indiana	Camp Atterbury	$5,800,000

Army National Guard—Continued

State	Location	Amount
	Lawrence	$21,000,000
Maine	Bangor	$20,000,000
Maryland	Edgewood	$28,000,000
	Salisbury	$9,800,000
Massachusetts	Methuen	$21,000,000
Michigan	Camp Grayling	$18,943,000
Minnesota	Arden Hills	$15,000,000
Nevada	Elko	$11,375,000
New York	Fort Drum	$11,000,000
	Queensbury	$5,900,000
South Carolina	Anderson	$12,000,000
	Beaufort	$3,400,000
	Eastover	$28,000,000
South Dakota	Rapid City	$43,463,000
Utah	Camp Williams	$17,500,000
Virginia	Arlington	$15,500,000
	Fort Pickett	$2,950,000
Vermont	Ethan Allen Range Jericho	$10,200,000
Washington	Fort Lewis (Gray Army Airfield)	$32,000,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(B), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations, and in the amounts, set forth in the following table:

Army Reserve

State	Location	Amount
California	Fort Hunter Liggett	$3,950,000
Hawaii	Fort Shafter	$19,199,000
Idaho	Hayden Lake	$9,580,000
Kansas	Dodge City	$8,100,000
Maryland	Baltimore	$11,600,000
Massachusetts	Fort Devens	$1,900,000
Michigan	Saginaw	$11,500,000
Missouri	Weldon Springs	$11,700,000
Nevada	Las Vegas	$33,900,000
New Jersey	Fort Dix	$3,825,000
New York	Kingston	$13,494,000
	Shoreham	$15,031,000
	Staten Island	$18,550,000
North Carolina	Raleigh	$25,581,000
Pennsylvania	Letterkenny Army Depot	$14,914,000
Tennessee	Chattanooga	$10,600,000
Texas	Sinton	$9,700,000
Washington	Seattle	$37,500,000
Wisconsin	Fort McCoy	$4,000,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
California	Lemoore	$15,420,000
Delaware	Wilmington	$11,530,000
Georgia	Marietta	$7,560,000
Virginia	Norfolk	$8,170,000
	Williamsburg	$12,320,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(A), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
Arkansas	Little Rock Air Force Base	$4,000,000
Colorado	Buckley Air Force Base	$4,200,000
Delaware	New Castle County Airport	$14,800,000
Iowa	Fort Dodge	$5,600,000
Kansas	Smoky Hill Air National Guard Range	$7,100,000
Massachusetts	Otis Air National Guard Base	$14,300,000
Minnesota	Duluth 148th Fighter Wing Base	$4,500,000
Mississippi	Gulfport-Biloxi International Airport	$3,400,000
New York	Gabreski Airport, Westhampton	$7,500,000

Air National Guard—Continued

State	Location	Amount
	Hancock Field	$5,000,000
Rhode Island	Quonset State Airport	$7,700,000
Tennessee	Knoxville	$8,000,000
Vermont	Burlington International Airport	$6,600,000
Washington	McChord Air Force Base	$8,600,000
West Virginia	Yeager Airport, Charleston	$27,000,000
Wisconsin	Truax Field	$6,300,000
Wyoming	Cheyenne Municipal Airport	$7,000,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(B), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
Georgia	Dobbins Air Reserve Base	$6,450,000
Oklahoma	Tinker Air Force Base	$9,900,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $634,407,000; and

(B) for the Army Reserve, $281,687,000.

(2) For the Department of the Navy, for the Navy and Marine Corps Reserve, $57,045,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $156,124,000; and

(B) for the Air Force Reserve, $26,615,000.

SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorizations set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
California	Camp Roberts	Urban Assault Course	$1,485,000
Idaho	Gowen Field	Railhead, Phase 1	$8,331,000
Mississippi	Biloxi	Readiness Center	$16,987,000
	Camp Shelby	Modified Record Fire Range	$2,970,000
Montana	Townsend	Automated Qualification Training Range.	$2,532,000
Pennsylvania	Philadelphia	Stryker Brigade Combat Team Readiness Center.	$11,806,000
	Philadelphia	Organizational Maintenance Shop #7	$6,144,930

SEC. 2608. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2005 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), the authorization set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2005 Project Authorization

State	Installation or Location	Project	Amount
California	Dublin	Readiness Center, Add/Alt (ADRS)	$11,318,000

SEC. 2609. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2008 PROJECT.

The table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 527) is amended in the item relating to North Kingstown, Rhode Island, by striking ''$33,000,000'' in the amount column and inserting ''$38,000,000''.

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of $393,377,000, as follows:

(1) For the Department of the Army, $72,855,000.

(2) For the Department of the Navy, $178,700,000.

(3) For the Department of the Air Force, $139,155,000.

(4) For the Defense Agencies, $2,667,000.

SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703, the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $6,982,334,000.

SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of $9,065,386,000, as follows:

(1) For the Department of the Army, $4,486,178,000.

(2) For the Department of the Navy, $871,492,000.

(3) For the Department of the Air Force, $1,072,925,000.

(4) For the Defense Agencies, $2,634,791,000.

SEC. 2704. MODIFICATION OF ANNUAL BASE CLOSURE AND REALIGNMENT REPORTING REQUIREMENTS.

Section 2907 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by striking ''As part of the budget request for fiscal year 2007 and for each fiscal year thereafter'' and inserting ''(a) REPORTING REQUIREMENT.—As part of the budget request for fiscal year 2007 and for each fiscal year thereafter through fiscal year 2016''; and

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

''(b) TERMINATION OF REPORTING REQUIREMENTS RELATED TO REALIGNMENT ACTIONS.—The reporting requirements under subsection (a) shall terminate with respect to realignment actions after the report submitted with the budget for fiscal year 2014.''.

SEC. 2705. TECHNICAL CORRECTIONS REGARDING AUTHORIZED COST AND SCOPE OF WORK VARIATIONS FOR MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING PROJECTS RELATED TO BASE CLOSURES AND REALIGNMENTS.

(a) CORRECTION OF CITATION IN AMENDATORY LANGUAGE.—

(1) IN GENERAL.—Section 2704(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 532) is amended by striking ''section 2905A'' both places it appears and inserting ''section 2906A''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 28, 2008, as if included in the enactment of section 2704 of the Military Construction Authorization Act for Fiscal Year 2008.

(b) CORRECTION OF SCOPE OR WORK VARIATION LIMITATION.—Section 2906A(f) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by section 2704(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 532) and amended by subsection (a), is amended by striking ''20 percent or $2,000,000, whichever is greater'' and inserting ''20 percent or $2,000,000, whichever is less''.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. INCREASE IN THRESHOLD FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.

Section 2805(a)(1) of title 10, United States Code, is amended by striking ''$2,000,000'' in the first sentence and all that follows through the period at the end of the second sentence and inserting ''$3,000,000.''.

SEC. 2802. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

(a) ONE-YEAR EXTENSION OF AUTHORITY.—Subsection (a) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128), section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3508), section 2802 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2466), and section 2801 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 538), is further amended by striking ''2008'' and inserting ''2009''.

(b) EXCEPTION FOR PROJECTS IN AFGHANISTAN FROM LIMITATION ON AUTHORITY RELATED TO LONG-TERM UNITED STATES PRESENCE.—Such subsection, as so amended, is further amended by inserting before the period at the end of paragraph (2) the following: '', unless the military installation is located in Afghanistan, in which case the condition shall not apply''.

(c) QUARTERLY REPORTS.—Subsection (d)(1) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128) and section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3508), is further amended by striking ''30 days'' and inserting ''45 days''.

SEC. 2803. IMPROVED OVERSIGHT AND ACCOUNTABILITY FOR MILITARY HOUSING PRIVATIZATION INITIATIVE PROJECTS.

(a) IN GENERAL.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2885. Oversight and accountability for privatization projects

''(a) OVERSIGHT AND ACCOUNTABILITY MEASURES.—Each Secretary concerned shall prescribe regulations to effectively oversee and manage military housing privatization projects carried out under this subchapter. The regulations shall include the following requirements for each privatization project:

''(1) The installation asset manager shall conduct monthly site visits and provide reports on the progress of the construction or renovation of the housing units. The reports shall be endorsed by the commander at such installation and submitted quarterly to the assistant secretary for installations and environment of the respective military department and the Deputy Under Secretary of Defense (Installations and Environment).

''(2) The installation asset manager, and, as applicable, the resident construction manager, privatization asset manager, bondholder representative, project owner, developer, general contractor, and construction consultant for the project shall conduct monthly meetings to ensure that the construction or renovation of the units meets performance and schedule requirements and that appropriate operating and ground lease agreements are in place and adhered to.

''(3) If a project is 90 days or more behind schedule or otherwise appears to be substantially failing to adhere to the obligations or milestones under the contract, the assistant secretary for installations and environment of the respective military department shall submit a notice of deficiency to the Deputy Under Secretary of Defense (Installations and Environment), the Secretary concerned, the managing member, and the trustee for the project.

''(4)(A) Not later than 15 days after the submittal of a notice of deficiency under paragraph (3), the Secretary concerned shall submit to the project owner, developer, or general contractor responsible for the project a summary of deficiencies related to the project.

''(B) If the project owner, developer, or general contractor responsible for the project is unable, within 30 days after receiving a notice of deficiency under subparagraph (A), to make progress on the issues outlined in such notice, the Secretary concerned shall submit to the project owner, developer, or general contractor, the bondholder representative, and the trustee an official letter of concern addressing the deficiencies and detailing the corrective actions that should be taken to correct the deficiencies.

''(C) If the project owner, developer, or general contractor responsible for the privatization project is unable, within 60 days after receiving a notice of deficiency under subparagraph (A), to make progress on the issues outlined in such notice, the Deputy Under Secretary of Defense (Installations and Environment) shall notify the congressional defense committees of the status of the project, and shall provide a recommended course of action to correct the problems.

''(b) COMMUNITY MEETINGS.—(1) Prior to the commencement of privatization project, the assistant secretary for installations and environment of the respective military department and the commanding officer of the local military installation shall hold a meeting with the local community to communicate the following information:

''(A) The nature of the project.

''(B) Any contractual arrangements.

''(C) Potential liabilities to local construction management companies and subcontractors.

''(2) The requirement under paragraph (1) may be met by publishing the information described in such paragraph on the Federal Business Opportunities (FedBizOpps) Internet website.

''(c) REQUIRED QUALIFICATIONS.—The Secretary concerned shall certify that the project owner, developer, or general contractor that is selected for each military housing privatization initiative project has construction experience commensurate with that required to complete the project.

''(d) BONDING LEVELS.—The Secretary concerned shall ensure that the project owner, developer, or general contractor responsible

for a military housing privatization initiative project has sufficient payment and performance bonds or suitable instruments in place for each phase of a construction or renovation portion of the project to ensure successful completion of the work in amounts as agreed to in the project's legal documents, but in no case less than 50 percent of the total value of the active phases of the project, prior to the commencement of work for that phase.

''(e) CERTIFICATIONS REGRADING PREVIOUS BANKRUPTCY DECLARATIONS.—If a military department awards a contract or agreement for a military housing privatization initiative project to a project owner, developer, or general contractor that has previously declared bankruptcy, the Secretary concerned shall specify in the notification to Congress of the project award the extent to which the issues related to the previous bankruptcy are expected to impact the ability of the project owner, developer, or general contractor to complete the project.

''(f) COMMUNICATION REGARDING POOR PERFORMANCE.—The Deputy Under Secretary of Defense (Installations and Environment) shall prescribe policies to provide for regular and appropriate communication between representatives of the military departments and bondholders for military housing privatization initiative projects to ensure timely action to address inadequate performance in carrying out projects.

''(g) REPORTING OF EFFORTS TO SELECT SUCCESSOR IN EVENT OF DEFAULT.—In the event a military housing privatization initiative project enters into default, the assistant secretary for installations and environment of the respective military department shall submit a report to the congressional defense committees every 90 days detailing the status of negotiations to award the project to a new project owner, developer, or general contractor.

''(h) EFFECT OF UNSATISFACTORY PERFORMANCE RATING ON AFFILIATED ENTITIES.—In the event the project owner, developer, or general contractor for a military construction project receives an unsatisfactory performance rating due to poor performance, each parent, subsidiary, affiliate, or other controlling entity of such owner, developer, or contractor shall also receive an unsatisfactory performance rating.

''(i) EFFECT OF NOTICES OF DEFICIENCY ON CONTRACTORS AND AFFILIATED ENTITIES.—(1) The Deputy Under Secretary of Defense (Installations and Environment) shall keep a record of all plans of action or notices of deficiency issued to a project owner, developer, or general contractor under subsection (a)(4), including the identity of each parent, subsidiary, affiliate, or other controlling entity of such owner, developer, or contractor.

''(2) CONSULTATION.—Each military department shall consult the records maintained under paragraph (1) when reviewing the past performance of owners, developers, and contractors in the bidding process for a contract or other agreement for a military housing privatization initiative project.

''(j) PROCEDURES FOR IDENTIFYING AND COMMUNICATING BEST PRACTICES FOR TRANSACTIONS.—(1) The Secretary of Defense shall identify best practices for military housing privatization projects, including—

''(A) effective means to track and verify proper performance, schedule, and cash flow;

''(B) means of overseeing the actions of bondholders to properly monitor construction progress and construction draws;

''(C) effective structuring of transactions to ensure the United States Government has adequate abilities to oversee project owner performance; and

''(D) ensuring that notices to proceed on new work are not issued until proper bonding is in place.

''(2) The Secretary shall prescribe regulations to implement the best practices developed pursuant to paragraph (1).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2885. Oversight and accountability for privatization projects.''.

SEC. 2804. LEASING OF MILITARY FAMILY HOUSING TO SECRETARY OF DEFENSE.

(a) LEASING OF HOUSING.—Subchapter II of chapter 169 of title 10, United States Code, is amended by inserting after section 2837 the following new section:

''§ 2838. Leasing of military family housing to Secretary of Defense

''(a) AUTHORITY.—(1) The Secretary of a military department may lease to the Secretary of Defense military family housing in the National Capital Region (as defined in section 2674(f) of this title).

''(2) In determining the military housing unit to lease under this section, the Secretary of Defense should first consider any available military housing units that are already substantially equipped for executive communications and security.

''(b) RENTAL RATE.—A lease under subsection (a) shall provide for the payment by the Secretary of Defense of consideration in an amount equal to 105 percent of the monthly rate of basic allowance for housing prescribed under section 403(b) of title 37 for a member of the uniformed services in the pay grade of O–10 with dependents assigned to duty at the military installation on which the leased housing unit is located. A rate so established shall be considered the fair market value of the lease interest.

''(c) TREATMENT OF PROCEEDS.—(1) The Secretary of a military department shall deposit all amounts received pursuant to leases entered into by the Secretary under this section into a special account in the Treasury established for such military department.

''(2) The proceeds deposited into the special account of a military department pursuant to paragraph (1) shall be available to the Secretary of that military department, without further appropriation, for the maintenance, protection, alteration, repair, improvement, or restoration of military housing on the military installation at which the housing leased pursuant to subsection (a) is located.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2838. Leasing of military family housing to Secretary of Defense.''.

SEC. 2805. COST-BENEFIT ANALYSIS OF DISSOLUTION OF PATRICK FAMILY HOUSING LLC.

(a) COST-BENEFIT ANALYSIS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a cost-benefit analysis of dissolving Patrick Family Housing LLC without exercising the full range of rights available to the United States Government to recover damages from the partnership.

(b) CONTENT.—The analysis required under subsection (a) shall include an evaluation of the best practices for executing military housing privatization projects as determined by the Department of Defense and the Secretaries concerned and the other options available to restore the financial health of nonperforming or defaulting projects.

(c) TEMPORARY MORATORIUM ON CERTAIN ACTIONS.—The Secretary of the Air Force may not, in carrying out a military housing privatization project initiated at Patrick Air Force Base, Florida, dissolve the Patrick Family Housing LLC until the Secretary of the Air Force submits the cost-benefit analysis required under subsection (a).

Subtitle B—Real Property and Facilities Administration

SEC. 2811. PARTICIPATION IN CONSERVATION BANKING PROGRAMS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2694b the following new section:

''§ 2694c. Participation in conservation banking programs

''(a) AUTHORITY TO PARTICIPATE.—The Secretary of a military department, and the Secretary of Defense with respect to matters concerning a Defense Agency, when engaged or proposing to engage in an authorized activity that may or will result in an adverse impact on one or more species protected (or pending protection) under any applicable provision of law, or on a habitat for such species, may make payments to a conservation banking program or 'in-lieu-fee' mitigation sponsor approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605; November 28, 1995) or the Guidance for the Establishment, Use, and Operation of Conservation Banks (68 Fed. Reg. 24753; May 2, 2003), or any successor or related administrative guidance or regulation.

''(b) FACILITATION OF TESTING OR TRAINING ACTIVITIES OR MILITARY CONSTRUCTION.—Participation in conservation banking and 'in-lieu-fee' programs under subsection (a) shall be for the purposes of facilitating—

''(1) military testing or training activities; or

''(2) military construction.

''(c) TREATMENT OF PAYMENTS.—Payments made under subsection (a) to a conservation banking program or 'in-lieu-fee' mitigation sponsor for the purpose of facilitating military construction may be treated as eligible project costs for such military construction.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2694b the following new item:

''2694c. Participation in conservation banking programs.''.

SEC. 2812. CLARIFICATION OF CONGRESSIONAL REPORTING REQUIREMENTS FOR CERTAIN REAL PROPERTY TRANSACTIONS.

Section 2662(c) of title 10, United States Code, is amended by striking ''river and harbor projects or flood control projects'' and inserting ''water resource development projects of the Corps of Engineers''.

SEC. 2813. MODIFICATION OF LAND MANAGEMENT RESTRICTIONS APPLICABLE TO UTAH NATIONAL DEFENSE LANDS.

Section 2815 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 852) is amended—

(1) in subsection (a), by striking ''that are adjacent to or near the Utah Test and Training Range and Dugway Proving Ground or beneath'' and inserting ''that are beneath''; and

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

''(e) SUNSET DATE.—This section shall expire on October 1, 2013.''.

Subtitle C—Land Conveyances

SEC. 2821. TRANSFER OF PROCEEDS FROM PROPERTY CONVEYANCE, MARINE CORPS LOGISTICS BASE, ALBANY, GEORGIA.

(a) TRANSFER AUTHORIZED.—The Secretary of Defense may transfer any proceeds from the sale of approximately 120.375 acres of improved land located at the former Boyett Village Family Housing Complex at the Marine Corps Logistics Base, Albany, Georgia,

into the Department of Defense Family Housing Improvement Fund established under section 2883(a)(1) of title 10, United States Code, for carrying out activities under subchapter IV of chapter 169 of that title with respect to military family housing.

(b) NOTIFICATION REQUIREMENT.—A transfer of proceeds under subsection (a) may be made only after the end of the 30-day period beginning on the date the Secretary of Defense submits written notice of the transfer to the congressional defense committees.

Subtitle D—Energy Security

SEC. 2831. EXPANSION OF AUTHORITY OF THE MILITARY DEPARTMENTS TO DEVELOP ENERGY ON MILITARY LANDS.

(a) DEVELOPMENT OF ANY RENEWABLE ENERGY RESOURCE.—Section 2917 of title 10, United States Code, is amended—

(1) by inserting ''(a) DEVELOPMENT OF RENEWABLE ENERGY RESOURCES.—'' before ''The Secretary of a military department'';

(2) in subsection (a), as designated by paragraph (1), by striking ''geothermal energy resource'' and inserting ''renewable energy resource''; and

(3) by adding at the end the following new subsection:

''(b) RENEWABLE ENERGY RESOURCE DEFINED.—In this section, the term 'renewable energy resource' has the meaning given the term 'renewable energy' in section 203(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2)).''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 2917. Development of renewable energy resources on military lands''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 173 of such title is amended by striking the item relating to section 2917 and inserting the following new item:

''2917. Development of renewable energy resources on military lands.''.

Subtitle E—Other Matters

SEC. 2841. REPORT ON APPLICATION OF FORCE PROTECTION AND ANTI-TERRORISM STANDARDS TO GATES AND ENTRY POINTS ON MILITARY INSTALLATIONS.

(a) REPORT REQUIRED.—Not later than February 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of Department of Defense Anti-Terrorism/Force Protection standards at gates and entry points of military installations.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) A description of the anti-terrorism/force protection standards for gates and entry points.

(2) An assessment, by installation, of whether the gates and entry points meet anti-terrorism/force protection standards.

(3) An assessment of whether the standards are met with either temporary or permanent measures, facilities, or equipment.

(4) A description and cost estimate of each action to be taken by the Secretary of Defense for each installation to ensure compliance with Department of Defense Anti-Terrorism/Force Protection standards using permanent measures and construction methods.

(5) An investment plan to complete all action required to ensure compliance with the standards described under paragraph (1).

TITLE XXIX—WAR-RELATED MILITARY CONSTRUCTION AUTHORIZATIONS

Subtitle A—Fiscal Year 2008 Projects

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Wainwright	$17,000,000
California	Fort Irwin	$11,800,000
Colorado	Fort Carson	$8,400,000
Georgia	Fort Gordon	$7,800,000
Hawaii	Schofield Barracks	$12,500,000
Kentucky	Fort Campbell	$9,900,000
	Fort Knox	$7,400,000
North Carolina	Fort Bragg	$8,500,000
Oklahoma	Fort Sill	$9,000,000
Texas	Fort Bliss	$17,300,000
	Fort Hood	$7,200,000
	Fort Sam Houston	$7,000,000
Virginia	Fort Lee	$7,400,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Iraq	Camp Adder	$13,200,000
	Camp Ramadi	$6,200,000
	Fallujah	$5,500,000

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds authorized to be appropriated under 2901(c) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 571), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $162,100,000 as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $131,200,000.

(2) For military construction projects outside the United States authorized by subsection (b), $24,900,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $6,000,000.

SEC. 2902. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
California	Camp Pendleton	$9,270,000
	China Lake	$7,210,000
	Point Mugu	$7,250,000
	San Diego	$12,299,000
	Twentynine Palms	$11,250,000
Florida	Eglin Air Force Base	$780,000
Mississippi	Gulfport	$6,570,000

Navy: Inside the United States—Continued

State	Installation or Location	Amount
North Carolina	Camp Lejeune	$27,980,000
Virginia	Yorktown	$8,070,000

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds authorized to be appropriated under 2902(d) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 572), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $94,731,000 as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $90,679,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $4,052,000.

SEC. 2903. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

Country	Installation or Location	Amount
California	Beale Air Force Base	$17,600,000
Florida	Eglin Air Force Base	$11,000,000
New Mexico	Cannon Air Force Base	$8,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Qatar	Al Udeid	$60,400,000

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds authorized to be appropriated under 2903(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 573), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $98,427,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $36,600,000.

(2) For military construction projects outside the United States authorized by subsection (b), $60,400,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $1,427,000.

SEC. 2904. TERMINATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2008 ARMY PROJECTS.

(a) TERMINATION OF AUTHORITY.—The table in section 2901(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 570), is amended—

(1) in the item relating to Camp Adder, Iraq, by striking ''$80,650,000'' in the amount column and inserting ''$75,800,000'';

(2) in the item relating to Camp Anaconda, Iraq, by striking ''$53,500,000'' in the amount column and inserting ''$10,500,000'';

(3) in the item relating to Camp Victory, Iraq, by striking ''$65,400,000'' in the amount column and inserting ''$60,400,000'';

(4) by striking the item relating to Tikrit, Iraq; and

(5) in the item relating to Camp Speicher, Iraq, by striking ''$83,900,000'' in the amount column and inserting ''$74,100,000''.

(b) CONFORMING AMENDMENTS.—Section 2901(c) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 571) is amended—

(1) by striking ''$1,257,750,000'' and inserting ''$1,152,100,000''; and

(2) in paragraph (2), by striking ''$1,055,450,000'' and inserting ''$949,800,000''.

Subtitle B—Fiscal Year 2009 Projects

SEC. 2911. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Army may acquire real property and carry out military construction projects to construct or renovate warrior transition unit facilities at the installations or locations inside the United States set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Various	Various locations	$400,000,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $450,000,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $400,000,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $50,000,000.

(c) REPORT REQUIRED BEFORE COMMENCING CERTAIN PROJECTS.—Funds may not be obligated for the projects authorized by this section until 14 days after the date on which the Secretary of Defense submits to the congressional defense committees a report containing a detailed justification for the projects.

SEC. 2912. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Navy may acquire real property and carry out military construction projects to construct or renovate warrior transition unit facilities at the installations or locations inside the United States set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Various	Various locations	$40,000,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Subject to section 2825 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $50,000,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $40,000,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $10,000,000.

(c) REPORT REQUIRED BEFORE COMMENCING CERTAIN PROJECTS.—Funds may not be obligated for the projects authorized by this section until 14 days after the date on which the Secretary of Defense submits to the congressional defense committees a report containing a detailed justification for the projects.

SEC. 2913. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

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

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

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

DEPARTMENT OF ENERGY NATIONAL SECURITY ACT FOR FISCAL YEAR 2009

On Wednesday, September 17, 2008, the Senate passed S. 3004, as amended, as follows:

S. 3004

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 ''Department of Energy National Security Act for Fiscal Year 2009''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $9,641,892,000, to be allocated as follows:

(1) For weapons activities, $6,610,701,000.

(2) For defense nuclear nonproliferation activities, including $538,782,000 for fissile materials disposition, $1,799,056,000.

(3) For naval reactors, $828,054,000.

(4) For the Office of the Administrator for Nuclear Security, $404,081,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) For readiness in technical base and facilities, the following new plant projects:

Project 09–D–404, Test Capabilities Revitalization Phase 2, Sandia National Laboratory, Albuquerque, New Mexico, $3,200,000.

Project 08–D–806, Ion Beam Laboratory Project, Sandia National Laboratory, Albuquerque, New Mexico, $10,014,000.

(2) For naval reactors, the following new plant projects:

Project 09–D–902, Naval Reactors Facility Production Support Complex, Naval Reactors Facility, Idaho Falls, Idaho, $8,300,000.

Project 09–D–190, Project engineering and design, Knolls Atomic Power Laboratory infrastructure upgrades, Knolls Atomic Power Laboratory, Kesselring Site, Schenectady, New York, $1,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,297,256,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for other defense activities in carrying out programs necessary for national security in the amount of $826,453,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $197,371,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. MODIFICATION OF FUNCTIONS OF ADMINISTRATOR FOR NUCLEAR SECURITY TO INCLUDE ELIMINATION OF SURPLUS FISSILE MATERIALS USABLE FOR NUCLEAR WEAPONS.

Section 3212(b)(1) of the National Nuclear Security Administration Act (50 U.S.C. 2402(b)(1)) is amended—

(1) by redesignating paragraph (18) as paragraph (19); and

(2) by inserting after paragraph (17) the following new paragraph (18):

''(18) Eliminating inventories of surplus fissile materials usable for nuclear weapons.''.

SEC. 3112. REPORT ON COMPLIANCE WITH DESIGN BASIS THREAT ISSUED BY THE DEPARTMENT OF ENERGY IN 2005.

(a) IN GENERAL.—Not later than January 2, 2009, the Secretary of Energy shall submit to the congressional defense committees a report setting forth the status of the compliance of Department of Energy sites with the Design Basis Threat issued by the Department in November 2005 (in this section referred to as the ''2005 Design Basis Threat'').

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) For each Department of Energy site subject to the 2005 Design Basis Threat, an assessment of whether the site has achieved compliance with the 2005 Design Basis Threat.

(2) For each such site that has not achieved compliance with the 2005 Design Basis Threat—

(A) a description of the reasons for the failure to achieve compliance;

(B) a plan to achieve compliance;

(C) a description of the actions that will be taken to mitigate any security shortfalls until compliance is achieved; and

(D) an estimate of the annual funding requirements to achieve compliance.

(3) A list of such sites with Category I nuclear materials that the Secretary determines will not achieve compliance with the 2005 Design Basis Threat.

(4) For each site identified under paragraph (3), a plan to remove all Category I nuclear materials from such site, including—

(A) a schedule for the removal of such nuclear materials from such site;

(B) a clear description of the actions that will be taken to ensure the security of such nuclear materials; and

(C) an estimate of the annual funding requirements to remove such nuclear materials from such site.

(5) An assessment of the adequacy of the 2005 Design Basis Threat in addressing security threats at Department of Energy sites, and a description of any plans for updating, modifying, or otherwise revising the approach taken by the 2005 Design Basis Threat to establish enhanced security requirements for Department of Energy sites.

SEC. 3113. MODIFICATION OF SUBMITTAL OF REPORTS ON INADVERTENT RELEASES OF RESTRICTED DATA.

(a) IN GENERAL.—Section 4522 of the Atomic Energy Defense Act (50 U.S.C. 2672) is amended—

(1) in subsection (e), by striking ''on a periodic basis'' and inserting ''in each even-numbered year''; and

(2) in subsection (f), by striking paragraph (2) and inserting the following new paragraph (2):

''(2) The Secretary of Energy shall, in each even-numbered year beginning in 2010, submit to the committees and Assistant to the President specified in subsection (d) a report identifying any inadvertent releases of Restricted Data or Formerly Restricted Data under Executive Order No. 12958 discovered

in the two-year period preceding the submittal of the report.''.

(b) TECHNICAL CORRECTION.—Subsection (e) of such section, as amended by subsection (a)(1) of this section, is further amended by striking ''subsection (b)(4)'' and inserting ''subsection (b)(5)''.

SEC. 3114. NONPROLIFERATION SCHOLARSHIP AND FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—The Administrator for Nuclear Security shall carry out a program to provide scholarships and fellowships for the purpose of enabling individuals to qualify for employment in the nonproliferation programs of the Department of Energy.

(b) ELIGIBLE INDIVIDUALS.—An individual shall be eligible for a scholarship or fellowship under the program established under this section if the individual—

(1) is a citizen or national of the United States or an alien lawfully admitted to the United States for permanent residence;

(2) has been accepted for enrollment or is currently enrolled as a full-time student at an institution of higher education (as defined in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a));

(3) is pursuing a program of education that leads to an appropriate higher education degree in a qualifying field of study, as determined by the Administrator;

(4) enters into an agreement described in subsection (c); and

(5) meets such other requirements as the Administrator prescribes.

(c) AGREEMENT.—An individual seeking a scholarship or fellowship under the program established under this section shall enter into an agreement, in writing, with the Administrator that includes the following:

(1) The agreement of the Administrator to provide such individual with a scholarship or fellowship in the form of educational assistance for a specified number of school years (not to exceed five school years) during which such individual is pursuing a program of education in a qualifying field of study, which educational assistance may include payment of tuition, fees, books, laboratory expenses, and a stipend.

(2) The agreement of such individual—

(A) to accept such educational assistance;

(B) to maintain enrollment and attendance in a program of education described in subsection (b)(2) until such individual completes such program;

(C) while enrolled in such program, to maintain satisfactory academic progress in such program, as determined by the institution of higher education in which such individual is enrolled; and

(D) after completion of such program, to serve as a full-time employee in a nonproliferation position in the Department of Energy or at a laboratory of the Department for a period of not less than 12 months for each school year or part of a school year for which such individual receives a scholarship or fellowship under the program established under this section.

(3) The agreement of such individual with respect to the repayment requirements specified in subsection (d).

(d) REPAYMENT.—

(1) IN GENERAL.—An individual receiving a scholarship or fellowship under the program established under this section shall agree to pay to the United States the total amount of educational assistance provided to such individual under such program, plus interest at the rate prescribed by paragraph (4), if such individual—

(A) does not complete the program of education agreed to pursuant to subsection (c)(2)(B);

(B) completes such program of education but declines to serve in a position in the Department of Energy or at a laboratory of the Department as agreed to pursuant to subsection (c)(2)(D); or

(C) is voluntarily separated from service or involuntarily separated for cause from the Department of Energy or a laboratory of the Department before the end of the period for which such individual agreed to continue in the service of the Department pursuant to subsection (c)(2)(D).

(2) FAILURE TO REPAY.—If an individual who received a scholarship or fellowship under the program established under this section is required to repay, pursuant to an agreement under paragraph (1), the total amount of educational assistance provided to such individual under such program, plus interest at the rate prescribed by paragraph (4), and fails repay such amount, a sum equal to such amount (plus such interest) is recoverable by the United States Government from such individual or the estate of such individual by—

(A) in the case of an individual who is an employee of the United States Government, setoff against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the Government; or

(B) such other method as is provided by law for the recovery of amounts owed to the Government.

(3) WAIVER OF REPAYMENT.—The Administrator may waive, in whole or in part, repayment by an individual under this subsection if the Administrator determines that seeking recovery under paragraph (2) would be against equity and good conscience or would be contrary to the best interests of the United States.

(4) RATE OF INTEREST.—For purposes of repayment under this subsection, the total amount of educational assistance provided to an individual under the program established under this section shall bear interest at the applicable rate of interest under section 427A(c) of the Higher Education Act of 1965 (20 U.S.C. 1077a(c)).

(e) PREFERENCE FOR COOPERATIVE EDUCATION STUDENTS.—In evaluating individuals for the award of a scholarship or fellowship under the program established under this section, the Administrator may give a preference to an individual who is enrolled in, or accepted for enrollment in, an institution of higher education that has a cooperative education program with the Department of Energy.

(f) COORDINATION OF BENEFITS.—A scholarship or fellowship awarded under the program established under this section shall be taken into account in determining the eligibility of an individual receiving such scholarship or fellowship for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(g) REPORT TO CONGRESS.—Not later than January 1, 2010, the Administrator shall submit to the congressional defense committees a report on the activities carried out under the program established under this section, including any recommendations for future activities under such program.

(h) FUNDING.—Of the amounts authorized to be appropriated by section 3101(a)(2) for defense nuclear nonproliferation activities, $3,000,000 shall be available to carry out the program established under this section.

SEC. 3115. REVIEW OF AND REPORTS ON GLOBAL INITIATIVES FOR PROLIFERATION PREVENTION PROGRAM.

(a) REVIEW OF PROGRAM.—

(1) IN GENERAL.—The Administrator for Nuclear Security shall conduct a review of the Global Initiatives for Proliferation Prevention program.

(2) REPORT REQUIRED.—Not later than February 1, 2009, the Administrator shall submit to the congressional defense committees a report setting forth the results of the review required under paragraph (1). The report shall include the following:

(A) A description of the goals of the Global Initiatives for Proliferation Prevention program and the criteria for partnership projects under the program.

(B) Recommendations regarding the following:

(i) Whether to continue or bring to a close each of the partnership projects under the program in existence on the date of the enactment of this Act, and, if any such project is recommended to be continued, a description of how that project will meet the criteria under subparagraph (A).

(ii) Whether to enter into new partnership projects under the program with Russia or other countries of the former Soviet Union.

(iii) Whether to enter into new partnership projects under the program in countries other than countries of the former Soviet Union.

(C) A plan for completing partnership projects under the program with the countries of the former Soviet Union by 2012.

(b) REPORT ON FUNDING FOR PROJECTS UNDER PROGRAM.—

(1) IN GENERAL.—The Administrator shall submit to the congressional defense committees a report on—

(A) the purposes for which amounts made available for the Global Initiatives for Proliferation Prevention program for fiscal year 2009 will be obligated or expended; and

(B) the amount to be obligated or expended for each partnership project under the program in fiscal year 2009.

(2) LIMITATION ON FUNDING BEFORE SUBMITTAL OF REPORT.—None of the amounts authorized to be appropriated for fiscal year 2009 by section 3101(a)(2) for defense nuclear nonproliferation activities and available for the Global Initiatives for Proliferation Prevention program may be obligated or expended until the date that is 30 days after the date on which the Administrator submits to the congressional defense committees the report required under paragraph (1).

(c) LIMITATION ON FUNDING FOR GLOBAL NUCLEAR ENERGY PARTNERSHIP.—None of the amounts authorized to be appropriated for fiscal year 2009 by section 3101(a)(2) for defense nuclear nonproliferation activities and available for the Global Initiatives for Proliferation Prevention program may be used for projects related to energy security that could promote the Global Nuclear Energy Partnership.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2009, $28,968,574 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

UNANIMOUS CONSENT-AGREEMENT—S. RES. 601, S. RES. 623, S. RES. 650, AND S. RES. 667

Mr. CASEY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged and the Senate now proceed, en bloc, to the consideration of the following resolutions: S. Res. 601, National Save for Retirement Week; S. Res. 623, Anniversary of the Lander Trail; S. Res. 650, National Good Neighbor Day; S. Res. 667, Prostate Cancer Awareness Week.

There being no objection, the Senate proceeded to consider the resolutions, en bloc.

Mr. CASEY. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table, en bloc.

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

The resolutions (S. Res. 601, S. Res. 623, S. Res. 650, and S. Res. 667) were agreed to en bloc.

The preambles were agreed to en bloc.

The resolutions, with their preambles, read as follows:

S. RES. 601

Whereas Americans are living longer and the cost of retirement continues to rise, in part because the number of employers providing retiree health coverage continues to decline, and retiree health care costs continue to increase at a rapid pace;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States, but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States, less than ⅔ of workers or their spouses are currently saving for retirement, and that the actual amount of retirement savings of workers lags far behind the amount that will be needed to adequately fund their retirement years;

Whereas many workers may not be aware of their options for saving for retirement or may not have focused on the importance of, and need for, saving for their own retirement;

Whereas many employees have available to them through their employers access to defined benefit and defined contribution plans to assist them in preparing for retirement, yet many of them may not be taking advantage of employer-sponsored defined contribution plans at all or to the full extent allowed by the plans as prescribed by Federal law; and

Whereas all workers, including public- and private-sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from increased awareness of the need to save adequate funds for retirement and the availability of preferred savings vehicles to assist them in saving for retirement: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 19 through October 25, 2008, as ''National Save for Retirement Week'';

(2) supports the goals and ideals of National Save for Retirement Week;

(3) supports the need to raise public awareness of efficiently utilizing substantial tax revenues that currently subsidize retirement savings, revenues in excess of $170,000,000,000 for the fiscal year 2007 budget;

(4) supports the need to raise public awareness of the importance of saving adequately for retirement and the availability of tax-preferred employer-sponsored retirement savings vehicles; and

(5) calls on States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe this week with appropriate programs and activities with the goal of increasing retirement savings for all the people of the United States.

S. RES. 623

Whereas Frederick W. Lander first surveyed and supervised construction of the Lander Trail in 1858 to provide emigrants with a travelable link between the Oregon and California Trails;

Whereas 13,000 emigrants traveled on the Lander Trail during the settlement of the Western United States;

Whereas the Lander Trail was the first Federal road west of the Mississippi River;

Whereas travelers in the American West used the Lander Trail for 54 years until 1912; and

Whereas people can still experience the Lander Trail in the same setting that Frederick W. Lander first began construction in 1858: Now, therefore, be it

Resolved, That the Senate honors the important role of the Lander Trail in the settlement of the Western United States on the sesquicentennial anniversary of the Lander Trail.

S. RES. 650

Whereas gestures of welcoming and kindness between neighbors foster community peace, harmony, and understanding;

Whereas being good neighbors to those around us encourages mutual respect and friendship;

Whereas neighborhoods facilitate positive civic engagement and enhance the foundation of an effective and more caring society;

Whereas National Neighbor Day, celebrated annually on the Sunday before Memorial Day weekend in May, was first celebrated in 1993 in Westerly, Rhode Island, to promote equality, dignity, and respect and to encourage love of one's neighbor;

Whereas National Good Neighbor Day, celebrated annually on the fourth Sunday of September, was first celebrated in the 1970s in Lakeside, Montana, to place a greater emphasis on the importance of community and being a good neighbor; and

Whereas National Neighborhood Day, celebrated annually on the third Sunday of September, was first celebrated in Providence, Rhode Island, to inspire, build, and sustain neighborhood relationships and foster civic engagement: Now, therefore, be it

Resolved, That the Senate calls upon the people of the United States and interested groups and organizations—

(1) to celebrate the goals of National Neighbor Day, National Good Neighbor Day, and National Neighborhood Day in 2008; and

(2) to undertake appropriate ceremonies, events, and activities associated with those goals.

S. RES. 667

Whereas countless families in the United States live with prostate cancer;

Whereas 1 in 6 men in the United States will be diagnosed with prostate cancer in his lifetime;

Whereas prostate cancer is the most commonly diagnosed non-skin cancer and the second most common cause of cancer-related deaths among men in the United States;

Whereas, in 2008, over 186,320 men in the United States will be diagnosed with prostate cancer and 28,660 men in the United States will die of prostate cancer;

Whereas 30 percent of new diagnoses of prostate cancer occur in men under the age of 65;

Whereas a man in the United States turns 50 years old about every 14 seconds, increasing his odds of developing cancer, including prostate cancer;

Whereas African-American males suffer a prostate cancer incidence rate up to 65 percent higher than White males and double the mortality rates;

Whereas obesity is a significant predictor of the severity of prostate cancer and the probability that the disease will lead to death, and high cholesterol levels are strongly associated with advanced prostate cancer;

Whereas, if a man in the United States has 1 family member diagnosed with prostate cancer, he has a 1 in 3 chance of being diagnosed with prostate cancer, if he has 2 family members with such diagnoses, he has an 83 percent risk, and if he has 3 family members with such diagnoses, he then has a 97 percent risk of prostate cancer;

Whereas screening by both a digital rectal examination (DRE) and a prostate specific antigen blood test (PSA) can diagnose the disease in its early stages, increasing the chances of surviving more than 5 years to nearly 100 percent, while only 33 percent of men survive more than 5 years if diagnosed during the late stages of the disease;

Whereas there are no noticeable symptoms of prostate cancer while it is still in the early stages, making screening critical;

Whereas ongoing research promises further improvements in prostate cancer prevention, early detection, and treatments; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of men and preserving and protecting families: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2008 as ''National Prostate Cancer Awareness Month'';

(2) declares that the Federal Government has a responsibility—

(A) to raise awareness about the importance of screening methods for, and treatment of, prostate cancer;

(B) to increase research funding that is commensurate with the burden of the disease so that the screening and treatment of prostate cancer may be improved, and so that the causes of, and a cure for, prostate cancer may be discovered; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) calls on the people of the United States, interested groups, and affected persons—

(A) to promote awareness of prostate cancer;

(B) to take an active role in the fight to end the devastating effects of prostate cancer on individuals, their families, and the economy; and

(C) to observe National Prostate Cancer Awareness Month with appropriate ceremonies and activities.

BENNETT FREEZE REPEAL ACT

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 967, S. 531.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 531) to repeal section 10(f) of Public Law 93–531, commonly known as the ''Bennett Freeze.''

There being no objection, the Senate proceeded to consider the bill.

Mr. CASEY. Mr. President, I ask unanimous consent that the bill be read the 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 (S. 531) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 531

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

SECTION 1. REPEAL OF THE BENNETT FREEZE.

Section 10(f) of Public Law 93–531 (25 U.S.C. 640d–9(f) is repealed.

UNITED STATES FIRE ADMINISTRATION REAUTHORIZATION ACT OF 2008

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 868, S. 2606.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2606) to reauthorize the United States Fire Administration, and for other purposes.

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:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States Fire Administration Reauthorization Act of 2008''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The number of lives lost each year because of fire has dropped significantly over the last 25 years in the United States. However, the United States still has one of the highest fire death rates in the industrialized world. In 2005, the National Fire Protection Association reported 3,675 civilian fire deaths, 17,925 civilian fire injuries, and $10,672,000,000 in direct losses due to fire.

(2) Every year, more than 100 firefighters die in the line of duty. The United States Fire Administration should continue its leadership to help local fire agencies dramatically reduce these fatalities.

(3) The Federal Government should continue to work with State and local governments and the fire service community to further the promotion of national voluntary consensus standards that increase firefighter safety.

(4) The United States Fire Administration provides crucial support to the 30,300 fire departments of the United States through training, emergency incident data collection, fire awareness and education, and support of research and development activities for fire prevention, control, and suppression technologies.

(5) The collection of data on fire and other emergency incidents is a vital tool both for policy makers and emergency responders to identify and develop responses to emerging hazards. Improving the data collection capabilities of the United States Fire Administration is essential for accurately tracking and responding to the magnitude and nature of the fire problems of the United States.

(6) The research and development performed by the National Institute of Standards and Technology, the United States Fire Administration, other government agencies, and nongovernmental organizations on fire technologies, techniques, and tools advance the capabilities of the fire service of the United States to suppress and prevent fires.

(7) Because of the essential role of the United States Fire Administration and the fire service community in preparing for and responding to national and man-made disasters, the United States Fire Administration should have a prominent place within the Federal Emergency Management Agency and the Department of Homeland Security.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES FIRE ADMINISTRATION.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) in subparagraph (C), by striking ''and'' after the semicolon;

(2) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

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

''(E) $70,000,000 for fiscal year 2009, of which $2,520,000 shall be used to carry out section 8(f);

''(F) $72,100,000 for fiscal year 2010, of which $2,595,600 shall be used to carry out section 8(f);

''(G) $74,263,000 for fiscal year 2011, of which $2,673,468 shall be used to carry out section 8(f); and

''(H) $76,490,890 for fiscal year 2012, of which $2,753,672 shall be used to carry out section 8(f).''.

SEC. 4. NATIONAL FIRE ACADEMY TRAINING PROGRAM MODIFICATIONS AND REPORTS.

(a) AMENDMENTS TO FIRE ACADEMY TRAINING.—Section 7(d)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(d)(1)) is amended—

(1) by amending subparagraph (H) to read as follows:

''(H) tactics and strategies for dealing with natural disasters, acts of terrorism, and other man-made disasters;'';

(2) in subparagraph (K), by striking ''forest'' and inserting ''wildland'';

(3) in subparagraph (M), by striking ''response'';

(4) by redesignating subparagraphs (I) through (N) as subparagraphs (M) through (R), respectively; and

(5) by inserting after subparagraph (H) the following:

''(I) tactics and strategies for fighting large-scale fires or multiple fires in a general area that cross jurisdictional boundaries;

''(J) tactics and strategies for fighting fires occurring at the wildland-urban interface;

''(K) tactics and strategies for fighting fires involving hazardous materials;

''(L) advanced emergency medical services training;''.

(b) ON-SITE TRAINING.—Section 7 of such Act (15 U.S.C. 2206) is amended—

(1) in subsection (c)(6), by inserting '', including on-site training'' after ''United States'';

(2) in subsection (f), by striking ''4 percent'' and inserting ''7.5 percent''; and

(3) by adding at the end the following:

''(m) ON-SITE TRAINING.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator may enter into a contract with nationally recognized organizations that have established on-site training programs that comply with national voluntary consensus standards for fire service personnel to facilitate the delivery of the education and training programs outlined in subsection (d)(1) directly to fire service personnel.

''(2) LIMITATION.—

''(A) IN GENERAL.—The Administrator may not enter into a contract with an organization described in paragraph (1) unless such organization operates a fire service training program that—

''(i) is accredited by a nationally recognized accreditation organization experienced with accrediting such training; or

''(ii) the Administrator determines is of equivalent quality to a fire service training program described by clause (i).

''(B) APPROVAL OF UNACCREDITED FIRE SERVICE TRAINING PROGRAMS.—The Administrator may consider the fact that an organization has provided a satisfactory fire service training program pursuant to a cooperative agreement with a Federal agency as evidence that such program is of equivalent quality to a fire service training program described by subparagraph (A)(i).

''(3) RESTRICTION ON USE OF FUNDS.—The amounts expended by the Administrator to carry out this subsection in any fiscal year shall not exceed 7.5 per centum of the amount authorized to be appropriated in such fiscal year pursuant to section 17.''.

(c) TRIENNIAL REPORTS.—Such section 7 (15 U.S.C. 2206) is further amended by adding at the end the following:

''(n) TRIENNIAL REPORT.—In the first annual report filed pursuant to section 16 for which the deadline for filing is after the expiration of the 18-month period that begins on the date of the enactment of the United States Fire Administration Reauthorization Act of 2008, and in every third annual report thereafter, the Administrator shall include information about changes made to the National Fire Academy curriculum, including—

''(1) the basis for such changes, including a review of the incorporation of lessons learned by emergency response personnel after significant emergency events and emergency preparedness exercises performed under the National Exercise Program; and

''(2) the desired training outcome of all such changes.''.

SEC. 5. NATIONAL FIRE INCIDENT REPORTING SYSTEM UPGRADES.

(a) INCIDENT REPORTING SYSTEM DATABASE.—Section 9 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2208) is amended by adding at the end the following:

''(d) NATIONAL FIRE INCIDENT REPORTING SYSTEM UPDATE.—

''(1) IN GENERAL.—The Administrator shall update the National Fire Incident Reporting System to ensure that the information in the system is available, and can be updated, through the Internet and in real time.

''(2) LIMITATION.—Of the amounts made available pursuant to subparagraphs (E), (F), and (G) of section 17(g)(1), the Administrator shall use not more than an aggregate amount of $5,000,000 during the 3-year period consisting of fiscal years 2009, 2010, and 2011 to carry out the activities required by paragraph (1).''.

(b) TECHNICAL CORRECTION.—Section 9(b)(2) of such Act (15 U.S.C. 2208(b)(2)) is amended by striking ''assist State,'' and inserting ''assist Federal, State,''.

SEC. 6. FIRE TECHNOLOGY ASSISTANCE AND RESEARCH DISSEMINATION.

(a) ASSISTANCE TO FIRE SERVICES FOR FIRE PREVENTION AND CONTROL IN WILDLAND-URBAN INTERFACE.—Section 8(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2207(d)) is amended to read as follows:

''(d) RURAL AND WILDLAND-URBAN INTERFACE ASSISTANCE.—The Administrator may, in coordination with the Secretary of Agriculture, the Secretary of the Interior, and the Wildland Fire Leadership Council, assist the fire services of the United States, directly or through contracts, grants, or other forms of assistance, in sponsoring and encouraging research into approaches, techniques, systems, equipment, and land-use policies to improve fire prevention and control in—

''(1) the rural and remote areas of the United States; and

''(2) the wildland-urban interface.''.

(b) TECHNOLOGY RESEARCH DISSEMINATION.—Section 8 of such Act (15 U.S.C. 2207) is amended by adding at the end the following:

''(h) PUBLICATION OF RESEARCH RESULTS.—

''(1) IN GENERAL.—For each fire-related research program funded by the Administration, the Administrator shall make available to the public on the Internet website of the Administration the following:

''(A) A description of such research program, including the scope, methodology, and goals thereof.

''(B) Information that identifies the individuals or institutions conducting the research program.

''(C) The amount of funding provided by the Administration for such program.

''(D) The results or findings of the research program.

''(2) DEADLINES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the information required by paragraph (1) shall be published with respect to a research program as follows:

''(i) The information described in subparagraphs (A), (B), and (C) of paragraph (1) with respect to such research program shall be made available under paragraph (1) not later than 30 days after the Administrator has awarded the funding for such research program.

''(ii) The information described in subparagraph (D) of paragraph (1) with respect to a research program shall be made available under paragraph (1) not later than 60 days after the date such research program has been completed.

''(B) EXCEPTION.—No information shall be required to be published under this subsection before the date that is 1 year after the date of the enactment of the United States Fire Administration Reauthorization Act of 2008.''.

SEC. 7. ENCOURAGING ADOPTION OF STANDARDS FOR FIREFIGHTER HEALTH AND SAFETY.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by adding at the end the following:

''SEC. 37. ENCOURAGING ADOPTION OF STANDARDS FOR FIREFIGHTER HEALTH AND SAFETY.

''The Administrator shall promote adoption by fire services of national voluntary consensus standards for firefighter health and safety, including such standards for firefighter operations, training, staffing, and fitness, by—

''(1) educating fire services about such standards;

''(2) encouraging the adoption at all levels of government of such standards; and

''(3) making recommendations on other ways in which the Federal Government can promote the adoption of such standards by fire services.''.

SEC. 8. STATE AND LOCAL FIRE SERVICE REPRESENTATION AT NATIONAL OPERATIONS CENTER.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by inserting after section 22 the following:

''SEC. 23. STATE AND LOCAL FIRE SERVICE REPRESENTATION AT NATIONAL OPERATIONS CENTER.

''(a) ESTABLISHMENT OF POSITION.—The Secretary of Homeland Security shall, in consultation with the Administrator, establish a fire service position at the National Operations Center established under section 515 of the Homeland Security Act of 2002 (6 U.S.C. 321d) (also known as the 'Homeland Security Operations Center') to ensure the effective sharing of information between the Federal Government and State and local fire services.

''(b) DESIGNATION OF POSITION.—The Secretary of Homeland Security shall designate, on a rotating basis, a State or local fire service official for the position described in subsection (a).

''(c) MANAGEMENT.—The Secretary of Homeland Security shall manage the position established pursuant to subsection (a) in accordance with such rules, regulations, and practices as govern other similar rotating positions at the National Operations Center.''.

SEC. 9. COORDINATION REGARDING FIRE PREVENTION AND CONTROL AND EMERGENCY MEDICAL SERVICES.

Section 21(e) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2218(e)) is amended to read as follows:

''(e) COORDINATION.—

''(1) IN GENERAL.—To the extent practicable, the Administrator shall use existing programs, data, information, and facilities already available in other Federal Government departments and agencies and, where appropriate, existing research organizations, centers, and universities.

''(2) COORDINATION OF FIRE PREVENTION AND CONTROL PROGRAMS.—The Administrator shall provide liaison at an appropriate organizational level to assure coordination of the activities of the Administrator with Federal, State, and local government agencies and departments and nongovernmental organizations concerned with any matter related to programs of fire prevention and control.

''(3) COORDINATION OF EMERGENCY MEDICAL SERVICES PROGRAMS.—The Administrator shall provide liaison at an appropriate organizational level to assure coordination of the activities of the Administrator related to emergency medical services provided by fire service-based systems with Federal, State, and local government agencies and departments and nongovernmental organizations so concerned, as well as those entities concerned with emergency medical services generally.''.

SEC. 10. DEFINITIONS.

Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by striking ''Administration'' and inserting ''Administration, within the Federal Emergency Management Agency'';

(2) in paragraph (7), by striking the ''and'' after the semicolon;

(3) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(9) 'wildland-urban interface' has the meaning given such term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).''.

Mr. CASEY. Mr. President, I ask unanimous consent that a Lieberman amendment, which is at the desk, be agreed to; that the committee substitute, as amended, be agreed to; that 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 relating to the bill be printed in the RECORD.

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

The amendment (No. 5631) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

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

The bill (S. 2606), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

MEASURES READ THE FIRST TIME—S. 3526, H.R. 6842, AND H.R. 6899

Mr. CASEY. Mr. President, I understand there are three bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title for the first time.

The legislative clerk read as follows:

A bill (S. 3526) to enhance drug trafficking interdiction by creating a Federal felony relating to operating or embarking in a submersible or semi-submersible vessel without nationality and on an international voyage.

A bill (H.R. 6842) to restore Second Amendment rights in the District of Columbia.

A bill (H.R. 6899) to advance the national security interests of the United States by reducing its dependency on oil through renewable and clean, alternative fuel technologies while building a bridge to the future through expanded access to Federal oil and natural gas resources, revising the relationship between the oil and gas industry and the consumers who own those resources and deserve a fair return from the development of publicly owned oil and gas, ending tax subsidies for large oil and gas companies, and facilitating energy efficiencies in the building, housing, and transportation sectors, and for other purposes.

Mr. CASEY. Mr. President, I now ask for their second reading en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

ORDER FOR PRINTING—S. 3001

Mr. CASEY. Mr. President, I ask unanimous consent that S. 3001, as passed by the Senate on Wednesday, September 17, be printed.

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

UNANIMOUS-CONSENT AGREEMENT—H.R. 6049

Mr. CASEY. Mr. President, I ask unanimous consent that the motion to proceed to H.R. 6049 be withdrawn.

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

Mr. CASEY. Mr. President, I further ask unanimous consent that with respect to the order governing the consideration of H.R. 6049, the votes with respect to the amendments occur upon the use or yielding back of time specified for debate with respect to each amendment.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE STIMULUS PACKAGE

Mr. REID. Mr. President, we are going to move to next week. We have business we need to conduct. We have had a very busy day. We have been at an event with the Secretary of Treasury and Chairman of the Fed and a number of others. Next week should be very interesting.

We have an agreement where we are going to finish the extenders now. We have a decision to be made on what we are going to do on the stimulus package but certainly, with what has gone

on in our country the last several weeks, we need a stimulus package more than ever. So we will see what we can get done on that next week and fund the Government until, hopefully, next year.

ORDERS FOR MONDAY, SEPTEMBER 22, 2008

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it stand in recess until Monday, September 22, at 3 p.m.; 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 of morning business, with Senators permitted to speak for up to 10 minutes each.

I would further say, one reason we are not going to be in session tomorrow is we are waiting to get a response from the administration as to what they think should be done as the next step in the financial problems we have facing this country. We need to hear from them. So there is no objection to my request, Mr. President?

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

PROGRAM

Mr. REID. Mr. President, this evening, as I indicated, we were able to reach an agreement on the tax extenders. The Senate will debate and vote on amendments and passage of that on Tuesday.

RECESS UNTIL MONDAY, SEPTEMBER 22, 2008, AT 3 P.M.

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent it stand in recess under the previous order.

There being no objection, the Senate, at 8:49 p.m., recessed until Monday, September 22, 2008, at 3 p.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. KARLYNN P. O'SHAUGHNESSY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

NATHAN V. SWEETSER