Whereas an essential element of an effective democracy is the ability of each eligible and qualified citizen to be able to vote in fair and open elections;

Whereas Congress has passed important election laws such as the Help America Vote Act (HAVA) of 2002, the National Voter Registration Act of 1993 (NVRA- Motor Voter Act), and the Voting Rights Act of 1965, dedicated to increasing the transparency of the election process, strengthening our voting systems, and protecting the right of all citizens to vote;

Whereas the 26th amendment of the Constitution requires that ''the right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on the account of age'';

Whereas Minnesota, Maine, New Hampshire, Idaho, Wisconsin, and Wyoming allow same day registration of voters at the polls, and also experience the highest voter turnout rates in the country;

Whereas most States have 30-day voter registration deadlines, and the public must be informed of their local and State election laws in September in order to participate fully in the Federal elections in November;

Whereas experts estimate that more than 20 percent of voters nationwide will cast their ballots before election day by mail or at early-voting locations, a proportion of the electorate that is rising with each election;

Whereas many election officials note that early voting is convenient for voters, increases turnout, and reduces the strain on polling places and poll workers on election day;

Whereas, according to the Fair Vote Center for Voting and Democracy, voter turnout in the United States is lower than in most other developed nations, with the United States coming 20th out of 21 in voter turnout among established democracies; and

Whereas S. 1901, introduced in the 102nd Congress, would have amended section 6103 of title 5, United States Code, to establish Democracy Day as a legal public holiday on election day, in recognition of the need for increased participation of an educated electorate to preserve the legitimacy of democracy: Now, therefore, be it

Resolved, That the Senate—

(1) designates the last week of September 2008 as ''National Voter Awareness Week'';

(2) calls upon the people of the United States to observe such a week with appropriate programs and activities, including helping State and local institutions deliver sample ballots, voter registration forms, absentee ballots, and other educational materials to all eligible voters; and

(3) encourages all grassroots organizations and educational, cultural, and community institutions to promote voter awareness and registration programs that befit local election procedure.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5645. Mr. REID (for Mr. KYL) proposed an amendment to the bill S. 3296, to extend the authority of the United States Supreme Court Police to protect court officials off the Supreme Court Grounds and change the title of the Administrative Assistant to the Chief Justice.

SA 5646. Mr. REID (for Mr. BIDEN) proposed an amendment to the bill H.R. 5057, to reauthorize the Debbie Smith DNA Backlog Grant Program, and for other purposes.

SA 5647. Mr. NELSON, of Florida (for Mr. DORGAN) proposed an amendment to the bill H.R. 2786, to reauthorize the programs for housing assistance for Native Americans.

SA 5648. Mr. NELSON, of Florida (for himself and Mr. VITTER) proposed an amendment to the bill H.R. 6063, to authorize the programs of the National Aeronautics and Space Administration, and for other purposes.

SA 5649. Mr. NELSON, of Florida (for Mr. LEVIN (for himself and Mr. VOINOVICH)) proposed an amendment to the bill H.R. 6460, to amend the Federal Water Pollution Control Act to provide for the remediation of sediment contamination in areas of concern, and for other purposes.

SA 5650. Mr. DURBIN (for Mr. BIDEN (for himself, Mr. SCHUMER, Mr. HATCH, Mr. BROWN, Mr. ALEXANDER, Mr. CARPER, Mr. ALLARD, Mr. CASEY, Mr. BARRASSO, Mr. DODD, Mr. BROWNBACK, Mrs. MURRAY, Mr. CHAMBLISS, Mr. NELSON, of Nebraska, Mr. CRAPO, Mr. NELSON, of Florida, Mr. CORNYN, Mr. OBAMA, Mr. COBURN, Mr. PRYOR, Mr. ENZI, Mr. TESTER, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. KYL, Mr. MARTINEZ, Mr. MCCAIN, Mr. ROBERTS, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Mr. SUNUNU, Mr. THUNE, Mr. VITTER, Mr. MCCONNELL, Mr. VOINOVICH, Mr. BENNETT, Mr. SPECTER, and Mr. REID)) proposed an amendment to the bill S. 1738, to require the Department of Justice to develop and implement a National Strategy Child Exploitation Prevention and Interdiction, 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 child predators.

SA 5651. Mr. DURBIN (for Mr. BIDEN) proposed an amendment to the bill S. 1738, supra.

SA 5652. Mr. DURBIN (for Mr. LEAHY) proposed an amendment to the bill S. 2982, to amend the Runaway and Homeless Youth Act to authorize appropriations, and for other purposes.

SA 5653. Mr. DURBIN (for Mr. LEAHY (for himself and Mr. HATCH)) proposed an amendment to the bill H.R. 1777, to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws.

TEXT OF AMENDMENTS

SA 5645. Mr. REID (for Mr. KYL) proposed an amendment to the bill S. 3296, to extend the authority of the United States Supreme Court Police to protect court officials off the Supreme Court Grounds and change the title of the Administrative Assistant to the Chief Justice; as follows:

At the end of the bill, add the following:

SEC. 2. LIMITATION ON ACCEPTANCE OF HONORARY CLUB MEMBERSHIPS.

(a) DEFINITIONS.—In this section:

(1) GIFT.—The term ''gift'' has the meaning given under section 109(5) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(2) JUDICIAL OFFICER.—The term ''judicial officer'' has the meaning given under section 109(10) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(b) PROHIBITION ON ACCEPTANCE OF HONORARY CLUB MEMBERSHIPS.—A judicial officer may not accept a gift of an honorary club membership with a value of more than $50 in any calendar year.

SA 5646. Mr. REID (for Mr. BIDEN) proposed an amendment to the bill H.R. 5057, to reauthorize the Debbie Smith DNA Backlog Grant Program, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Debbie Smith Reauthorization Act of 2008''.

SEC. 2. GENERAL REAUTHORIZATION.

Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

(1) in subsection (c)(3), by—

(A) striking subparagraphs (A) through (D);

(B) redesignating subparagraph (E) and subparagraph (A); and

(C) inserting at the end the following:

''(B) For each of the fiscal years 2010 through 2014, not less than 40 percent of the grant amounts shall be awarded for purposes under subsection (a)(2).''; and

(2) by amending subsection (j) to read as follows:

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for grants under subsection (a) $151,000,000 for each of fiscal years 2009 through 2014.''.

SEC. 3. TRAINING AND EDUCATION.

Section 303(b) of the DNA Sexual Assault Justice Act of 2004 (42 U.S.C. 14136(b)) is amended by striking ''2005 through 2009'' and inserting ''2009 through 2014''.

SEC. 4. SEXUAL ASSAULT FORENSIC EXAM GRANTS.

Section 304(c) of the DNA Sexual Assault Justice Act of 2004 (42 U.S.C. 14136a(c)) is amended by striking ''2005 through 2009'' and inserting ''2009 through 2014''.

SA 5647. Mr. NELSON of Florida (for Mr. DORGAN) proposed an amendment to the bill H.R. 2786, to reauthorize the programs for housing assistance for Native Americans; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Native American Housing Assistance and Self-Determination Reauthorization Act of 2008''.

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

SEC. 2. CONGRESSIONAL FINDINGS.

Section 2 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101) is amended in paragraphs (6) and (7) by striking ''should'' each place it appears and inserting ''shall''.

SEC. 3. DEFINITIONS.

Section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103) is amended—

(1) by striking paragraph (22);

(2) by redesignating paragraphs (8) through (21) as paragraphs (9) through (22), respectively; and

(3) by inserting after paragraph (7) the following:

''(8) HOUSING RELATED COMMUNITY DEVELOPMENT.—

''(A) IN GENERAL.—The term 'housing related community development' means any facility, community building, business, activity, or infrastructure that—

''(i) is owned by an Indian tribe or a tribally designated housing entity;

''(ii) is necessary to the provision of housing in an Indian area; and

''(iii)(I) would help an Indian tribe or tribally designated housing entity to reduce the cost of construction of Indian housing;

''(II) would make housing more affordable, accessible, or practicable in an Indian area; or

''(III) would otherwise advance the purposes of this Act.

''(B) EXCLUSION.—The term 'housing and community development' does not include any activity conducted by any Indian tribe under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).''.

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

SEC. 101. BLOCK GRANTS.

Section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking ''For each'' and inserting the following:

''(1) IN GENERAL.—For each'';

(ii) by striking ''tribes to carry out affordable housing activities.'' and inserting the following: ''tribes—

''(A) to carry out affordable housing activities under subtitle A of title II; and''; and

(iii) by adding at the end the following:

''(B) to carry out self-determined housing activities for tribal communities programs under subtitle B of that title.''; and

(B) in the second sentence, by striking ''Under'' and inserting the following:

''(2) PROVISION OF AMOUNTS.—Under'';

(2) in subsection (g), by inserting ''of this section and subtitle B of title II'' after ''subsection (h)''; and

(3) by adding at the end the following:

''(j) FEDERAL SUPPLY SOURCES.—For purposes of section 501 of title 40, United States Code, on election by the applicable Indian tribe—

''(1) each Indian tribe or tribally designated housing entity shall be considered to be an Executive agency in carrying out any program, service, or other activity under this Act; and

''(2) each Indian tribe or tribally designated housing entity and each employee of the Indian tribe or tribally designated housing entity shall have access to sources of supply on the same basis as employees of an Executive agency.

''(k) TRIBAL PREFERENCE IN EMPLOYMENT AND CONTRACTING.—Notwithstanding any other provision of law, with respect to any grant (or portion of a grant) made on behalf of an Indian tribe under this Act that is intended to benefit 1 Indian tribe, the tribal employment and contract preference laws (including regulations and tribal ordinances) adopted by the Indian tribe that receives the benefit shall apply with respect to the administration of the grant (or portion of a grant).''.

SEC. 102. INDIAN HOUSING PLANS.

Section 102 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112) is amended—

(1) in subsection (a)(1)—

(A) by striking ''(1)(A) for'' and all that follows through the end of subparagraph (A) and inserting the following:

''(1)(A) for an Indian tribe to submit to the Secretary, by not later than 75 days before the beginning of each tribal program year, a 1-year housing plan for the Indian tribe; or''; and

(B) in subparagraph (B), by striking ''subsection (d)'' and inserting ''subsection (c)'';

(2) by striking subsections (b) and (c) and inserting the following:

''(b) 1-YEAR PLAN REQUIREMENT.—

''(1) IN GENERAL.—A housing plan of an Indian tribe under this section shall—

''(A) be in such form as the Secretary may prescribe; and

''(B) contain the information described in paragraph (2).

''(2) REQUIRED INFORMATION.—A housing plan shall include the following information with respect to the tribal program year for which assistance under this Act is made available:

''(A) DESCRIPTION OF PLANNED ACTIVITIES.—A statement of planned activities, including—

''(i) the types of household to receive assistance;

''(ii) the types and levels of assistance to be provided;

''(iii) the number of units planned to be produced;

''(iv)(I) a description of any housing to be demolished or disposed of;

''(II) a timetable for the demolition or disposition; and

''(III) any other information required by the Secretary with respect to the demolition or disposition;

''(v) a description of the manner in which the recipient will protect and maintain the viability of housing owned and operated by the recipient that was developed under a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); and

''(vi) outcomes anticipated to be achieved by the recipient.

''(B) STATEMENT OF NEEDS.—A statement of the housing needs of the low-income Indian families residing in the jurisdiction of the Indian tribe, and the means by which those needs will be addressed during the applicable period, including—

''(i) a description of the estimated housing needs and the need for assistance for the low-income Indian families in the jurisdiction, including a description of the manner in which the geographical distribution of assistance is consistent with the geographical needs and needs for various categories of housing assistance; and

''(ii) a description of the estimated housing needs for all Indian families in the jurisdiction.

''(C) FINANCIAL RESOURCES.—An operating budget for the recipient, in such form as the Secretary may prescribe, that includes—

''(i) an identification and description of the financial resources reasonably available to the recipient to carry out the purposes of this Act, including an explanation of the manner in which amounts made available will leverage additional resources; and

''(ii) the uses to which those resources will be committed, including eligible and required affordable housing activities under title II and administrative expenses.

''(D) CERTIFICATION OF COMPLIANCE.—Evidence of compliance with the requirements of this Act, including, as appropriate—

''(i) a certification that, in carrying out this Act, the recipient will comply with the applicable provisions of title II of the Civil Rights Act of 1968 (25 U.S.C. 1301 et seq.) and other applicable Federal laws and regulations;

''(ii) a certification that the recipient will maintain adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under this Act, in compliance with such requirements as the Secretary may establish;

''(iii) a certification that policies are in effect and are available for review by the Secretary and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this Act;

''(iv) a certification that policies are in effect and are available for review by the Secretary and the public governing rents and homebuyer payments charged, including the methods by which the rents or homebuyer payments are determined, for housing assisted with grant amounts provided under this Act;

''(v) a certification that policies are in effect and are available for review by the Secretary and the public governing the management and maintenance of housing assisted with grant amounts provided under this Act; and

''(vi) a certification that the recipient will comply with section 104(b).'';

(3) by redesignating subsections (d) through (f) as subsections (c) through (e), respectively; and

(4) in subsection (d) (as redesignated by paragraph (3)), by striking ''subsection (d)'' and inserting ''subsection (c)''.

SEC. 103. REVIEW OF PLANS.

Section 103 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4113) is amended—

(1) in subsection (d)—

(A) in the first sentence—

(i) by striking ''fiscal'' each place it appears and inserting ''tribal program''; and

(ii) by striking ''(with respect to'' and all that follows through ''section 102(c))''; and

(B) by striking the second sentence; and

(2) by striking subsection (e) and inserting the following:

''(e) SELF-DETERMINED ACTIVITIES PROGRAM.—Notwithstanding any other provision of this section, the Secretary—

''(1) shall review the information included in an Indian housing plan pursuant to subsections (b)(4) and (c)(7) only to determine

whether the information is included for purposes of compliance with the requirement under section 232(b)(2); and

''(2) may not approve or disapprove an Indian housing plan based on the content of the particular benefits, activities, or results included pursuant to subsections (b)(4) and (c)(7).''.

SEC. 104. TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS.

Section 104(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(a)) is amended by adding at the end the following:

''(4) EXCLUSION FROM PROGRAM INCOME OF REGULAR DEVELOPER'S FEES FOR LOW-INCOME HOUSING TAX CREDIT PROJECTS.—Notwithstanding any other provision of this Act, any income derived from a regular and customary developer's fee for any project that receives a low-income housing tax credit under section 42 of the Internal Revenue Code of 1986, and that is initially funded using a grant provided under this Act, shall not be considered to be program income if the developer's fee is approved by the State housing credit agency.''.

SEC. 105. REGULATIONS.

Section 106(b)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4116(b)(2)) is amended—

(1) in subparagraph (B)(i), by striking ''The Secretary'' and inserting ''Not later than 180 days after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2008 and any other Act to reauthorize this Act, the Secretary''; and

(2) by adding at the end the following:

''(C) SUBSEQUENT NEGOTIATED RULEMAKING.—The Secretary shall—

''(i) initiate a negotiated rulemaking in accordance with this section by not later than 90 days after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2008 and any other Act to reauthorize this Act; and

''(ii) promulgate regulations pursuant to this section by not later than 2 years after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2008 and any other Act to reauthorize this Act.

''(D) REVIEW.—Not less frequently than once every 7 years, the Secretary, in consultation with Indian tribes, shall review the regulations promulgated pursuant to this section in effect on the date on which the review is conducted.''.

TITLE II—AFFORDABLE HOUSING ACTIVITIES

SEC. 201. NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.

Section 201(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131(b)) is amended—

(1) in paragraph (1), by inserting ''and except with respect to loan guarantees under the demonstration program under title VI,'' after ''paragraphs (2) and (4),'';

(2) in paragraph (2)—

(A) by striking the first sentence and inserting the following:

''(A) EXCEPTION TO REQUIREMENT.—Notwithstanding paragraph (1), a recipient may provide housing or housing assistance through affordable housing activities for which a grant is provided under this Act to any family that is not a low-income family, to the extent that the Secretary approves the activities due to a need for housing for those families that cannot reasonably be met without that assistance.''; and

(B) in the second sentence, by striking ''The Secretary'' and inserting the following:

''(B) LIMITS.—The Secretary'';

(3) in paragraph (3)—

(A) in the paragraph heading, by striking ''NON-INDIAN'' and inserting ''ESSENTIAL''; and

(B) by striking ''non-Indian family'' and inserting ''family''; and

(4) in paragraph (4)(A)(i), by inserting ''or other unit of local government,'' after ''county,''.

SEC. 202. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.

Section 202 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4132) is amended—

(1) in the matter preceding paragraph (1), by striking ''to develop or to support'' and inserting ''to develop, operate, maintain, or support'';

(2) in paragraph (2)—

(A) by striking ''development of utilities'' and inserting ''development and rehabilitation of utilities, necessary infrastructure,''; and

(B) by inserting ''mold remediation,'' after ''energy efficiency,'';

(3) in paragraph (4), by inserting ''the costs of operation and maintenance of units developed with funds provided under this Act,'' after ''rental assistance,''; and

(4) by adding at the end the following:

''(9) RESERVE ACCOUNTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the deposit of amounts, including grant amounts under section 101, in a reserve account established for an Indian tribe only for the purpose of accumulating amounts for administration and planning relating to affordable housing activities under this section, in accordance with the Indian housing plan of the Indian tribe.

''(B) MAXIMUM AMOUNT.—A reserve account established under subparagraph (A) shall consist of not more than an amount equal to ¼ of the 5-year average of the annual amount used by a recipient for administration and planning under paragraph (2).''.

SEC. 203. PROGRAM REQUIREMENTS.

Section 203 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4133) is amended by adding at the end the following:

''(f) USE OF GRANT AMOUNTS OVER EXTENDED PERIODS.—

''(1) IN GENERAL.—To the extent that the Indian housing plan for an Indian tribe provides for the use of amounts of a grant under section 101 for a period of more than 1 fiscal year, or for affordable housing activities for which the amounts will be committed for use or expended during a subsequent fiscal year, the Secretary shall not require those amounts to be used or committed for use at any time earlier than otherwise provided for in the Indian housing plan.

''(2) CARRYOVER.—Any amount of a grant provided to an Indian tribe under section 101 for a fiscal year that is not used by the Indian tribe during that fiscal year may be used by the Indian tribe during any subsequent fiscal year.

''(g) DE MINIMIS EXEMPTION FOR PROCUREMENT OF GOODS AND SERVICES.—Notwithstanding any other provision of law, a recipient shall not be required to act in accordance with any otherwise applicable competitive procurement rule or procedure with respect to the procurement, using a grant provided under this Act, of goods and services the value of which is less than $5,000.''.

SEC. 204. LOW-INCOME REQUIREMENT AND INCOME TARGETING.

Section 205 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4135) is amended by adding at the end the following:

''(c) APPLICABILITY.—The provisions of paragraph (2) of subsection (a) regarding binding commitments for the remaining useful life of property shall not apply to a family or household member who subsequently takes ownership of a homeownership unit.''.

SEC. 205. AVAILABILITY OF RECORDS.

Section 208(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4138(a)) is amended by inserting ''applicants for employment, and of'' after ''records of''.

SEC. 206. SELF-DETERMINED HOUSING ACTIVITIES FOR TRIBAL COMMUNITIES PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Title II of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131 et seq.) is amended—

(1) by inserting after the title designation and heading the following:

''Subtitle A—General Block Grant Program'';

and

(2) by adding at the end the following:

''Subtitle B—Self-Determined Housing Activities for Tribal Communities

''SEC. 231. PURPOSE.

''The purpose of this subtitle is to establish a program for self-determined housing activities for the tribal communities to provide Indian tribes with the flexibility to use a portion of the grant amounts under section 101 for the Indian tribe in manners that are wholly self-determined by the Indian tribe for housing activities involving construction, acquisition, rehabilitation, or infrastructure relating to housing activities or housing that will benefit the community served by the Indian tribe.

''SEC. 232. PROGRAM AUTHORITY.

''(a) DEFINITION OF QUALIFYING INDIAN TRIBE.—In this section, the term 'qualifying Indian tribe' means, with respect to a fiscal year, an Indian tribe or tribally designated housing entity—

''(1) to or on behalf of which a grant is made under section 101;

''(2) that has complied with the requirements of section 102(b)(6); and

''(3) that, during the preceding 3-fiscal-year period, has no unresolved significant and material audit findings or exceptions, as demonstrated in—

''(A) the annual audits of that period completed under chapter 75 of title 31, United States Code (commonly known as the 'Single Audit Act'); or

''(B) an independent financial audit prepared in accordance with generally accepted auditing principles.

''(b) AUTHORITY.—Under the program under this subtitle, for each of fiscal years 2009 through 2013, the recipient for each qualifying Indian tribe may use the amounts specified in subsection (c) in accordance with this subtitle.

''(c) AMOUNTS.—With respect to a fiscal year and a recipient, the amounts referred to in subsection (b) are amounts from any grant provided under section 101 to the recipient for the fiscal year, as determined by the recipient, but in no case exceeding the lesser of—

''(1) an amount equal to 20 percent of the total grant amount for the recipient for that fiscal year; and

''(2) $2,000,000.

''SEC. 233. USE OF AMOUNTS FOR HOUSING ACTIVITIES.

''(a) ELIGIBLE HOUSING ACTIVITIES.—Any amounts made available for use under this subtitle by a recipient for an Indian tribe shall be used only for housing activities, as selected at the discretion of the recipient and described in the Indian housing plan for the Indian tribe pursuant to section 102(b)(6), for the construction, acquisition, or rehabilitation of housing or infrastructure in accordance with section 202 to provide a benefit to families described in section 201(b)(1).

''(b) PROHIBITION ON CERTAIN ACTIVITIES.—Amounts made available for use under this subtitle may not be used for commercial or economic development.

''SEC. 234. INAPPLICABILITY OF OTHER PROVISIONS.

''(a) IN GENERAL.—Except as otherwise specifically provided in this Act, title I, subtitle A of title II, and titles III through VIII shall not apply to—

''(1) the program under this subtitle; or

''(2) amounts made available in accordance with this subtitle.

''(b) APPLICABLE PROVISIONS.—The following provisions of titles I through VIII shall apply to the program under this subtitle and amounts made available in accordance with this subtitle:

''(1) Section 101(c) (relating to local cooperation agreements).

''(2) Subsections (d) and (e) of section 101 (relating to tax exemption).

''(3) Section 101(j) (relating to Federal supply sources).

''(4) Section 101(k) (relating to tribal preference in employment and contracting).

''(5) Section 102(b)(4) (relating to certification of compliance).

''(6) Section 104 (relating to treatment of program income and labor standards).

''(7) Section 105 (relating to environmental review).

''(8) Section 201(b) (relating to eligible families).

''(9) Section 203(c) (relating to insurance coverage).

''(10) Section 203(g) (relating to a de minimis exemption for procurement of goods and services).

''(11) Section 206 (relating to treatment of funds).

''(12) Section 209 (relating to noncompliance with affordable housing requirement).

''(13) Section 401 (relating to remedies for noncompliance).

''(14) Section 408 (relating to public availability of information).

''(15) Section 702 (relating to 50-year leasehold interests in trust or restricted lands for housing purposes).

''SEC. 235. REVIEW AND REPORT.

''(a) REVIEW.—During calendar year 2011, the Secretary shall conduct a review of the results achieved by the program under this subtitle to determine—

''(1) the housing constructed, acquired, or rehabilitated under the program;

''(2) the effects of the housing described in paragraph (1) on costs to low-income families of affordable housing;

''(3) the effectiveness of each recipient in achieving the results intended to be achieved, as described in the Indian housing plan for the Indian tribe; and

''(4) the need for, and effectiveness of, extending the duration of the program and increasing the amount of grants under section 101 that may be used under the program.

''(b) REPORT.—Not later than December 31, 2011, the Secretary shall submit to Congress a report describing the information obtained pursuant to the review under subsection (a) (including any conclusions and recommendations of the Secretary with respect to the program under this subtitle), including—

''(1) recommendations regarding extension of the program for subsequent fiscal years and increasing the amounts under section 232(c) that may be used under the program; and

''(2) recommendations for—

''(A)(i) specific Indian tribes or recipients that should be prohibited from participating in the program for failure to achieve results; and

''(ii) the period for which such a prohibition should remain in effect; or

''(B) standards and procedures by which Indian tribes or recipients may be prohibited from participating in the program for failure to achieve results.

''(c) PROVISION OF INFORMATION TO SECRETARY.—Notwithstanding any other provision of this Act, recipients participating in the program under this subtitle shall provide such information to the Secretary as the Secretary may request, in sufficient detail and in a timely manner sufficient to ensure that the review and report required by this section is accomplished in a timely manner.''.

(b) TECHNICAL AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended—

(1) by inserting after the item for title II the following:

''Subtitle A—General Block Grant Program'';

(2) by inserting after the item for section 205 the following:

''Sec. 206. Treatment of funds.'';

and

(3) by inserting before the item for title III the following:

''Subtitle B—Self-Determined Housing Activities for Tribal Communities

''Sec. 231. Purposes.
''Sec. 232. Program authority.
''Sec. 233. Use of amounts for housing activities.
''Sec. 234. Inapplicability of other provisions.
''Sec. 235. Review and report.''.

TITLE III—ALLOCATION OF GRANT AMOUNTS

SEC. 301. ALLOCATION FORMULA.

Section 302 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4152) is amended—

(1) in subsection (a)—

(A) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(B) by adding at the end the following:

''(2) STUDY OF NEED DATA.—

''(A) IN GENERAL.—The Secretary shall enter into a contract with an organization with expertise in housing and other demographic data collection methodologies under which the organization, in consultation with Indian tribes and Indian organizations, shall—

''(i) assess existing data sources, including alternatives to the decennial census, for use in evaluating the factors for determination of need described in subsection (b); and

''(ii) develop and recommend methodologies for collecting data on any of those factors, including formula area, in any case in which existing data is determined to be insufficient or inadequate, or fails to satisfy the requirements of this Act.

''(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.''; and

(2) in subsection (b), by striking paragraph (1) and inserting the following:

''(1)(A) The number of low-income housing dwelling units developed under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), pursuant to a contract between an Indian housing authority for the tribe and the Secretary, that are owned or operated by a recipient on the October 1 of the calendar year immediately preceding the year for which funds are provided, subject to the condition that such a unit shall not be considered to be a low-income housing dwelling unit for purposes of this section if—

''(i) the recipient ceases to possess the legal right to own, operate, or maintain the unit; or

''(ii) the unit is lost to the recipient by conveyance, demolition, or other means.

''(B) If the unit is a homeownership unit not conveyed within 25 years from the date of full availability, the recipient shall not be considered to have lost the legal right to own, operate, or maintain the unit if the unit has not been conveyed to the homebuyer for reasons beyond the control of the recipient.

''(C) If the unit is demolished and the recipient rebuilds the unit within 1 year of demolition of the unit, the unit may continue to be considered a low-income housing dwelling unit for the purpose of this paragraph.

''(D) In this paragraph, the term 'reasons beyond the control of the recipient' means, after making reasonable efforts, there remain—

''(i) delays in obtaining or the absence of title status reports;

''(ii) incorrect or inadequate legal descriptions or other legal documentation necessary for conveyance;

''(iii) clouds on title due to probate or intestacy or other court proceedings; or

''(iv) any other legal impediment.

''(E) Subparagraphs (A) through (D) shall not apply to any claim arising from a formula current assisted stock calculation or count involving an Indian housing block grant allocation for any fiscal year through fiscal year 2008, if a civil action relating to the claim is filed by not later than 45 days after the date of enactment of this subparagraph.''.

TITLE IV—COMPLIANCE, AUDITS, AND REPORTS

SEC. 401. REMEDIES FOR NONCOMPLIANCE.

Section 401(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) SUBSTANTIAL NONCOMPLIANCE.—The failure of a recipient to comply with the requirements of section 302(b)(1) regarding the reporting of low-income dwelling units shall not, in itself, be considered to be substantial noncompliance for purposes of this title.''.

SEC. 402. MONITORING OF COMPLIANCE.

Section 403(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4163(b)) is amended in the second sentence by inserting ''an appropriate level of'' after ''shall include''.

SEC. 403. PERFORMANCE REPORTS.

Section 404(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4164(b)) is amended—

(1) in paragraph (2)—

(A) by striking ''goals'' and inserting ''planned activities''; and

(B) by adding ''and'' after the semicolon at the end;

(2) in paragraph (3), by striking ''; and'' at the end and inserting a period; and

(3) by striking paragraph (4).

TITLE V—TERMINATION OF ASSISTANCE FOR INDIAN TRIBES UNDER INCORPORATED PROGRAMS

SEC. 501. EFFECT ON HOME INVESTMENT PARTNERSHIPS ACT.

(a) IN GENERAL.—Title V of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4181 et seq.) is amended by adding at the end the following:

''SEC. 509. EFFECT ON HOME INVESTMENT PARTNERSHIPS ACT.

''Nothing in this Act or an amendment made by this Act prohibits or prevents any participating jurisdiction (within the meaning of the HOME Investment Partnerships Act (42 U.S.C. 12721 et seq.)) from providing any amounts made available to the participating jurisdiction under that Act (42 U.S.C. 12721 et seq.) to an Indian tribe or a tribally designated housing entity for use in accordance with that Act (42 U.S.C. 12721 et seq.).''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended by inserting after the item relating to section 508 the following:

''Sec. 509. Effect on HOME Investment Partnerships Act.''.

TITLE VI—GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES

SEC. 601. DEMONSTRATION PROGRAM FOR GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES.

(a) IN GENERAL.—Title VI of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4191 et seq.) is amended by adding at the end the following:

''SEC. 606. DEMONSTRATION PROGRAM FOR GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES.

''(a) AUTHORITY.—

''(1) IN GENERAL.—Subject to paragraph (2), to the extent and in such amounts as are provided in appropriation Acts, subject to the requirements of this section, and in accordance with such terms and conditions as the Secretary may prescribe, the Secretary may guarantee and make commitments to guarantee the notes and obligations issued by Indian tribes or tribally designated housing entities with tribal approval, for the purposes of financing activities carried out on Indian reservations and in other Indian areas that, under the first sentence of section 108(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308), are eligible for financing with notes and other obligations guaranteed pursuant to that section.

''(2) LIMITATION.—The Secretary may guarantee, or make commitments to guarantee, under paragraph (1) the notes or obligations of not more than 4 Indian tribes or tribally designated housing entities located in each Department of Housing and Urban Development Office of Native American Programs region.

''(b) LOW-INCOME BENEFIT REQUIREMENT.—Not less than 70 percent of the aggregate amount received by an Indian tribe or tribally designated housing entity as a result of a guarantee under this section shall be used for the support of activities that benefit low-income families on Indian reservations and other Indian areas.

''(c) FINANCIAL SOUNDNESS.—

''(1) IN GENERAL.—The Secretary shall establish underwriting criteria for guarantees under this section, including fees for the guarantees, as the Secretary determines to be necessary to ensure that the program under this section is financially sound.

''(2) AMOUNTS OF FEES.—Fees for guarantees established under paragraph (1) shall be established in amounts that are sufficient, but do not exceed the minimum amounts necessary, to maintain a negative credit subsidy for the program under this section, as determined based on the risk to the Federal Government under the underwriting requirements established under paragraph (1).

''(d) TERMS OF OBLIGATIONS.—

''(1) IN GENERAL.—Each note or other obligation guaranteed pursuant to this section shall be in such form and denomination, have such maturity, and be subject to such conditions as the Secretary may prescribe, by regulation.

''(2) LIMITATION.—The Secretary may not deny a guarantee under this section on the basis of the proposed repayment period for the note or other obligation, unless—

''(A) the period is more than 20 years; or

''(B) the Secretary determines that the period would cause the guarantee to constitute an unacceptable financial risk.

''(e) LIMITATION ON PERCENTAGE.—A guarantee made under this section shall guarantee repayment of 95 percent of the unpaid principal and interest due on the note or other obligation guaranteed.

''(f) SECURITY AND REPAYMENT.—

''(1) REQUIREMENTS ON ISSUER.—To ensure the repayment of notes and other obligations and charges incurred under this section and as a condition for receiving the guarantees, the Secretary shall require the Indian tribe or housing entity issuing the notes or obligations—

''(A) to enter into a contract, in a form acceptable to the Secretary, for repayment of notes or other obligations guaranteed under this section;

''(B) to demonstrate that the extent of each issuance and guarantee under this section is within the financial capacity of the Indian tribe; and

''(C) to furnish, at the discretion of the Secretary, such security as the Secretary determines to be appropriate in making the guarantees, including increments in local tax receipts generated by the activities assisted by a guarantee under this section or disposition proceeds from the sale of land or rehabilitated property, except that the security may not include any grant amounts received or for which the issuer may be eligible under title I.

''(2) FULL FAITH AND CREDIT.—

''(A) IN GENERAL.—The full faith and credit of the United States is pledged to the payment of all guarantees made under this section.

''(B) TREATMENT OF GUARANTEES.—

''(i) IN GENERAL.—Any guarantee made by the Secretary under this section shall be conclusive evidence of the eligibility of the obligations for the guarantee with respect to principal and interest.

''(ii) INCONTESTABLE NATURE.—The validity of any such a guarantee shall be incontestable in the hands of a holder of the guaranteed obligations.

''(g) TRAINING AND INFORMATION.—The Secretary, in cooperation with Indian tribes and tribally designated housing entities, may carry out training and information activities with respect to the guarantee program under this section.

''(h) LIMITATIONS ON AMOUNT OF GUARANTEES.—

''(1) AGGREGATE FISCAL YEAR LIMITATION.—Notwithstanding any other provision of law, subject only to the absence of qualified applicants or proposed activities and to the authority provided in this section, and to the extent approved or provided for in appropriations Acts, the Secretary may enter into commitments to guarantee notes and obligations under this section with an aggregate principal amount not to exceed $200,000,000 for each of fiscal years 2009 through 2013.

''(2) AUTHORIZATION OF APPROPRIATIONS FOR CREDIT SUBSIDY.—There are authorized to be appropriated to cover the costs (as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a)) of guarantees under this section $1,000,000 for each of fiscal years 2009 through 2013.

''(3) AGGREGATE OUTSTANDING LIMITATION.—The total amount of outstanding obligations guaranteed on a cumulative basis by the Secretary pursuant to this section shall not at any time exceed $1,000,000,000 or such higher amount as may be authorized to be appropriated for this section for any fiscal year.

''(4) FISCAL YEAR LIMITATIONS ON INDIAN TRIBES.—

''(A) IN GENERAL.—The Secretary shall monitor the use of guarantees under this section by Indian tribes.

''(B) MODIFICATIONS.—If the Secretary determines that 50 percent of the aggregate guarantee authority under paragraph (3) has been committed, the Secretary may—

''(i) impose limitations on the amount of guarantees pursuant to this section that any single Indian tribe may receive in any fiscal year of $25,000,000; or

''(ii) request the enactment of legislation increasing the aggregate outstanding limitation on guarantees under this section.

''(i) REPORT.—Not later than 4 years after the date of enactment of this section, the Secretary shall submit to Congress a report describing the use of the authority under this section by Indian tribes and tribally designated housing entities, including—

''(1) an identification of the extent of the use and the types of projects and activities financed using that authority; and

''(2) an analysis of the effectiveness of the use in carrying out the purposes of this section.

''(j) TERMINATION.—The authority of the Secretary under this section to make new guarantees for notes and obligations shall terminate on October 1, 2013.''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended by inserting after the item relating to section 605 the following:

''Sec. 606. Demonstration program for guaranteed loans to finance tribal community and economic development activities.''.

TITLE VII—FUNDING

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

(a) BLOCK GRANTS AND GRANT REQUIREMENTS.—Section 108 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4117) is amended in the first sentence by striking ''1998 through 2007'' and inserting ''2009 through 2013''.

(b) FEDERAL GUARANTEES FOR FINANCING FOR TRIBAL HOUSING ACTIVITIES.—Section 605 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4195) is amended in subsections (a) and (b) by striking ''1997 through 2007'' each place it appears and inserting ''2009 through 2013''.

(c) TRAINING AND TECHNICAL ASSISTANCE.—Section 703 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4212) is amended by striking ''1997 through 2007'' and inserting ''2009 through 2013''.

TITLE VIII—MISCELLANEOUS

SEC. 801. LIMITATION ON USE FOR CHEROKEE NATION.

No funds authorized under this Act, or the amendments made by this Act, or appropriated pursuant to an authorization under this Act or such amendments, shall be expended for the benefit of the Cherokee Nation; provided, that this limitation shall not be effective if the Temporary Order and Temporary Injunction issued on May 14, 2007, by the District Court of the Cherokee Nation remains in effect during the pendency of litigation or there is a settlement agreement which effects the end of litigation among the adverse parties.

SEC. 802. LIMITATION ON USE OF FUNDS.

No amounts made available pursuant to any authorization of appropriations under this Act, or under the amendments made by this Act, may be used to employ workers described in section 274A(h)(3)) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

SEC. 803. GAO STUDY OF EFFECTIVENESS OF NAHASDA FOR TRIBES OF DIFFERENT SIZES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the effectiveness of the Native American Housing Assistance and Self-Determination Act of 1996 in achieving its purposes of meeting the needs for affordable housing for low-income Indian families, as compared to the programs for housing and community development assistance for Indian tribes and families and Indian housing authorities that were terminated under title V of such Act and the amendments made by such title. The study shall compare such effectiveness with respect to Indian tribes of various sizes and types, and specifically with respect to smaller tribes for which grants of lesser or minimum amounts have been made under title I of such Act.

(b) REPORT.—Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate regarding the results and conclusions of the study conducted pursuant to subsection (a). Such report shall include recommendations regarding any changes appropriate to the Native American Housing Assistance and Self-Determination Act of 1996 to help ensure that the purposes of such Act are achieved by all Indian tribes, regardless of size or type.

SA 5648. Mr. NELSON of Florida (for himself and Mr. VITTER) proposed an amendment to the bill H.R. 6063, to authorize the programs of the National Aeronautics and Space Administration, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Aeronautics and Space Administration Authorization Act of 2008''.

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

SEC. 2. FINDINGS.

The Congress finds, on this, the 50th anniversary of the establishment of the National Aeronautics and Space Administration, the following:

(1) NASA is and should remain a multimission agency with a balanced and robust set of core missions in science, aeronautics, and human space flight and exploration.

(2) Investment in NASA's programs will promote innovation through research and development, and will improve the competitiveness of the United States.

(3) Investment in NASA's programs, like investments in other Federal science and technology activities, is an investment in our future.

(4) Properly structured, NASA's activities can contribute to an improved quality of life, economic vitality, United States leadership in peaceful cooperation with other nations on challenging undertakings in science and technology, national security, and the advancement of knowledge.

(5) NASA should assume a leadership role in a cooperative international Earth observations and research effort to address key research issues associated with climate change and its impacts on the Earth system.

(6) NASA should undertake a program of aeronautical research, development, and where appropriate demonstration activities with the overarching goals of—

(A) ensuring that the Nation's future air transportation system can handle up to 3 times the current travel demand and incorporate new vehicle types with no degradation in safety or adverse environmental impact on local communities;

(B) protecting the environment;

(C) promoting the security of the Nation; and

(D) retaining the leadership of the United States in global aviation.

(7) Human and robotic exploration of the solar system will be a significant long-term undertaking of humanity in the 21st century and beyond, and it is in the national interest that the United States should assume a leadership role in a cooperative international exploration initiative.

(8) Developing United States human space flight capabilities to allow independent American access to the International Space Station, and to explore beyond low Earth orbit, is a strategically important national imperative, and all prudent steps should thus be taken to bring the Orion Crew Exploration Vehicle and Ares I Crew Launch Vehicle to full operational capability as soon as possible and to ensure the effective development of a United States heavy lift launch capability for missions beyond low Earth orbit.

(9) NASA's scientific research activities have contributed much to the advancement of knowledge, provided societal benefits, and helped train the next generation of scientists and engineers, and those activities should continue to be an important priority.

(10) NASA should make a sustained commitment to a robust long-term technology development activity. Such investments represent the critically important ''seed corn'' on which NASA's ability to carry out challenging and productive missions in the future will depend.

(11) NASA, through its pursuit of challenging and relevant activities, can provide an important stimulus to the next generation to pursue careers in science, technology, engineering, and mathematics.

(12) Commercial activities have substantially contributed to the strength of both the United States space program and the national economy, and the development of a healthy and robust United States commercial space sector should continue to be encouraged.

(13) It is in the national interest for the United States to have an export control policy that protects the national security while also enabling the United States aerospace industry to compete effectively in the global market place and the United States to undertake cooperative programs in science and human space flight in an effective and efficient manner.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of NASA.

(2) NASA.—The term ''NASA'' means the National Aeronautics and Space Administration.

(3) NOAA.—The term ''NOAA'' means the National Oceanic and Atmospheric Administration.

(4) OSTP.—The term ''OSTP'' means the Office of Science and Technology Policy.

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009

SEC. 101. FISCAL YEAR 2009.

There are authorized to be appropriated to NASA for fiscal year 2009 $20,210,000,000, as follows:

(1) For Science, $4,932,200,000, of which—

(A) $1,518,000,000 shall be for Earth Science, including $29,200,000 for suborbital activities and $2,500,000 for carrying out section 313 of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155);

(B) $1,483,000,000 shall be for Planetary Science, including $486,500,000 for the Mars Exploration program, $2,000,000 to continue planetary radar operations at the Arecibo Observatory in support of the Near-Earth Object program, and $5,000,000 for radioisotope material production, to remain available until expended;

(C) $1,290,400,000 shall be for Astrophysics, including $27,300,000 for suborbital activities;

(D) $640,800,000 shall be for Heliophysics, including $50,000,000 for suborbital activities; and

(E) $75,000,000 shall be for Intra-Science Mission Directorate Technology Development, to be taken on a proportional basis from the funding subtotals under subparagraphs (A), (B), (C), and (D).

(2) For Aeronautics, $853,400,000, of which $406,900,000 shall be for system-level research, development, and demonstration activities related to—

(A) aviation safety;

(B) environmental impact mitigation, including noise, energy efficiency, and emissions;

(C) support of the Next Generation Air Transportation System initiative; and

(D) investigation of new vehicle concepts and flight regimes.

(3) For Exploration, $4,886,000,000, of which—

(A) $3,886,000,000 shall be for baseline exploration activities, of which $100,000,000 shall be for the activities under sections 902(a)(4) and 902(d), such funds to remain available until expended; no less than $1,101,400,000 shall be for the Orion Crew Exploration Vehicle; no less than $1,018,500,000 shall be for Ares I Crew Launch Vehicle; and $737,800,000 shall be for Advanced Capabilities, including $106,300,000 for the Lunar Precursor Robotic Program (of which $30,000,000 shall be for the lunar lander mission), $276,500,000 shall be for International Space Station-related research and development activities, and $355,000,000 shall be for research and development activities not related to the International Space Station; and

(B) $1,000,000,000 shall be available to be used to accelerate the initial operating capability of the Orion Crew Exploration Vehicle and the Ares I Crew Launch Vehicle, to remain available until expended.

(4) For Education, $128,300,000, of which $14,200,000 shall be for the Experimental Program to Stimulate Competitive Research and $32,000,000 shall be for the Space Grant program.

(5) For Space Operations, $6,074,700,000, of which—

(A) $150,000,000 shall be for an additional Space Shuttle flight to deliver the Alpha Magnetic Spectrometer to the International Space Station;

(B) $100,000,000 shall be to augment funding for research utilization of the International Space Station National Laboratory, to remain available until expended; and

(C) $50,000,000 shall be to augment funding for Space Operations Mission Directorate reserves and Shuttle Transition and Retirement activities.

(6) For Cross-Agency Support Programs, $3,299,900,000, of which $4,000,000 shall be for the program established under section 1107(a), to remain available until expended.

(7) For Inspector General, $35,500,000.

TITLE II—EARTH SCIENCE

SEC. 201. GOAL.

The goal for NASA's Earth Science program shall be to pursue a program of Earth observations, research, and applications activities to better understand the Earth, how it supports life, and how human activities affect its ability to do so in the future. In pursuit of this goal, NASA's Earth Science program shall ensure that securing practical benefits for society will be an important measure of its success in addition to securing new knowledge about the Earth system and climate change. In further pursuit of this goal, NASA shall, together with NOAA and other relevant agencies, provide United States leadership in developing and carrying out a cooperative international Earth observations-based research program.

SEC. 202. GOVERNANCE OF UNITED STATES EARTH OBSERVATIONS ACTIVITIES.

(a) STUDY.—The Director of OSTP shall consult with NASA, NOAA, and other relevant agencies with an interest in Earth observations and enter into an arrangement with the National Academies for a study to determine the most appropriate governance structure for United States Earth Observations programs in order to meet evolving United States Earth information needs and facilitate United States participation in global Earth Observations initiatives.

(b) REPORT.—The Director shall transmit the study to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of this Act, and shall provide OSTP's plan for implementing the study's recommendations not later than 24 months after the date of enactment of this Act.

SEC. 203. DECADAL SURVEY MISSIONS.

(a) IN GENERAL.—The missions recommended in the National Academies' decadal survey ''Earth Science and Applications from Space'' provide the basis for a compelling and relevant program of research and applications, and the Administrator should work to establish an international cooperative effort to pursue those missions.

(b) PLAN.—The Administrator shall consult with all agencies referenced in the survey as responsible for spacecraft missions and prepare a plan for submission to Congress not later than 270 days after the date of enactment of this Act that shall describe how NASA intends to implement the missions recommended for NASA to conduct as described in subsection (a), whether by means of dedicated NASA missions, multi-agency missions, international cooperative missions, data sharing, or commercial data buys, or by means of long-term technology development to determine whether specific missions would be executable at a reasonable cost and within a reasonable schedule.

SEC. 204. TRANSITIONING EXPERIMENTAL RESEARCH INTO OPERATIONAL SERVICES.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that experimental NASA sensors and missions that have the potential to benefit society if transitioned into operational monitoring systems be transitioned into operational status whenever possible.

(b) INTERAGENCY PROCESS.—The Director of OSTP, in consultation with the Administrator, the Administrator of NOAA, and

other relevant stakeholders, shall develop a process to transition, when appropriate, NASA Earth science and space weather missions or sensors into operational status. The process shall include coordination of annual agency budget requests as required to execute the transitions.

(c) RESPONSIBLE AGENCY OFFICIAL.—The Administrator and the Administrator of NOAA shall each designate an agency official who shall have the responsibility for and authority to lead NASA's and NOAA's transition activities and interagency coordination.

(d) PLAN.—For each mission or sensor that is determined to be appropriate for transition under subsection (b), NASA and NOAA shall transmit to Congress a joint plan for conducting the transition. The plan shall include the strategy, milestones, and budget required to execute the transition. The transition plan shall be transmitted to Congress not later than 60 days after the successful completion of the mission or sensor critical design review.

SEC. 205. LANDSAT THERMAL INFRARED DATA CONTINUITY.

(a) PLAN.—In view of the importance of Landsat thermal infrared data for both scientific research and water management applications, the Administrator shall prepare a plan for ensuring the continuity of Landsat thermal infrared data or its equivalent, including allocation of costs and responsibility for the collection and distribution of the data, and a budget plan. As part of the plan, the Administrator shall provide an option for developing a thermal infrared sensor at minimum cost to be flown on the Landsat Data Continuity Mission with minimum delay to the schedule of the Landsat Data Continuity Mission.

(b) DEADLINE.—The plan shall be provided to Congress not later than 60 days after the date of enactment of this Act.

SEC. 206. REAUTHORIZATION OF GLORY MISSION.

(a) REAUTHORIZATION.—Congress reauthorizes NASA to continue with development of the Glory Mission, which will examine how aerosols and solar energy affect the Earth's climate.

(b) BASELINE REPORT.—Pursuant to the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109-155), not later than 90 days after the date of enactment of this Act, the Administrator shall transmit a new baseline report consistent with section 103(b)(2) of such Act. The report shall include an analysis of the factors contributing to cost growth and the steps taken to address them.

SEC. 207. PLAN FOR DISPOSITION OF DEEP SPACE CLIMATE OBSERVATORY.

(a) PLAN.—NASA shall develop a plan for the Deep Space Climate Observatory (DSCOVR), including such options as using the parts of the spacecraft in the development and assembly of other science missions, transferring the spacecraft to another agency, reconfiguring the spacecraft for another Earth science mission, establishing a public-private partnership for the mission, and entering into an international cooperative partnership to use the spacecraft for its primary or other purposes. The plan shall include an estimate of budgetary resources and schedules required to implement each of the options.

(b) CONSULTATION.—NASA shall consult, as necessary, with NOAA and other Federal agencies, industry, academic institutions, and international space agencies in developing the plan.

(c) REPORT.—The Administrator shall transmit the plan required under subsection (a) to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 180 days after the date of enactment of this Act.

SEC. 208. TORNADOES AND OTHER SEVERE STORMS.

The Administrator shall ensure that NASA gives high priority to those parts of its existing cooperative activities with NOAA that are related to the study of tornadoes and other severe storms, tornado-force winds, and other factors determined to influence the development of tornadoes and other severe storms, with the goal of improving the Nation's ability to predict tornados and other severe storms. Further, the Administrator shall examine whether there are additional cooperative activities with NOAA that should be undertaken in the area of tornado and severe storm research.

TITLE III—AERONAUTICS

SEC. 301. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) aeronautics research continues to be an important core element of NASA's mission and should be supported;

(2) NASA aeronautics research should be guided by and consistent with the national policy to guide aeronautics research and development programs of the United States developed in accordance with section 101(c) of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16611); and

(3) technologies developed by NASA as described in paragraph (2) would help to secure the leadership role of the United States in global aviation and greatly enhance competitiveness of the United States in aeronautics in the future.

SEC. 302. ENVIRONMENTALLY FRIENDLY AIRCRAFT RESEARCH AND DEVELOPMENT INITIATIVE.

The Administrator shall establish an initiative involving NASA, universities, industry, and other research organizations as appropriate, of research, development, and demonstration, in a relevant environment, of technologies to enable the following commercial aircraft performance characteristics:

(1) Noise levels on takeoff and on airport approach and landing that do not exceed ambient noise levels in the absence of flight operations in the vicinity of airports from which such commercial aircraft would normally operate, without increasing energy consumption or nitrogen oxide emissions compared to aircraft in commercial service as of the date of enactment of this Act.

(2) Significant reductions in greenhouse gas emissions compared to aircraft in commercial services as of the date of enactment of this Act.

SEC. 303. RESEARCH ALIGNMENT.

In addition to pursuing the research and development initiative described in section 302, the Administrator shall, to the maximum extent practicable within available funding, align the fundamental aeronautics research program to address high priority technology challenges of the National Academies' Decadal Survey of Civil Aeronautics, and shall work to increase the degree of involvement of external organizations, and especially of universities, in the fundamental aeronautics research program.

SEC. 304. RESEARCH PROGRAM TO DETERMINE PERCEIVED IMPACT OF SONIC BOOMS.

(a) IN GENERAL.—The ability to fly commercial aircraft over land at supersonic speeds without adverse impacts on the environment or on local communities would open new markets and enable new transportation capabilities. In order to have the basis for establishing appropriate sonic boom standards for such flight operations, a research program is needed to assess the impact in a relevant environment of commercial supersonic flight operations.

(b) ESTABLISHMENT.—The Administrator shall establish a cooperative research program with industry, including the conduct of flight demonstrations in a relevant environment, to collect data on the perceived impact of sonic booms. The data could enable the promulgation of appropriate standards for overland commercial supersonic flight operations.

(c) COORDINATION.—The Administrator shall ensure that sonic boom research is coordinated as appropriate with the Administrator of the Federal Aviation Administration, and as appropriate make use of the expertise of the Partnership for Air Transportation Noise and Emissions Reduction Center of Excellence sponsored by NASA and the Federal Aviation Administration.

SEC. 305. EXTERNAL REVIEW OF NASA'S AVIATION SAFETY-RELATED RESEARCH PROGRAMS.

(a) REVIEW.—The Administrator shall enter into an arrangement with the National Research Council for an independent review of NASA's aviation safety-related research programs. The review shall assess whether—

(1) the programs have well-defined, prioritized, and appropriate research objectives;

(2) the programs are properly coordinated with the safety research programs of the Federal Aviation Administration and other relevant Federal agencies;

(3) the programs have allocated appropriate resources to each of the research objectives; and

(4) suitable mechanisms exist for transitioning the research results from the programs into operational technologies and procedures and certification activities in a timely manner.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review required in subsection (a).

SEC. 306. AVIATION WEATHER RESEARCH PLAN.

The Administrator and the Administrator of NOAA shall develop a collaborative research plan on convective weather events. The goal of the research is to significantly improve the reliability of 2-hour to 6-hour aviation weather forecasts. Within 270 days after the date of enactment of this Act, the Administrator and the Administrator of NOAA shall submit this plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives.

SEC. 307. FUNDING FOR RESEARCH AND DEVELOPMENT ACTIVITIES IN SUPPORT OF OTHER MISSION DIRECTORATES.

Research and development activities performed by the Aeronautics Research Mission Directorate with the primary objective of assisting in the development of a flight project in another Mission Directorate shall be funded by the Mission Directorate seeking assistance.

SEC. 308. ENHANCEMENT OF GRANT PROGRAM ON ESTABLISHMENT OF UNIVERSITY-BASED CENTERS FOR RESEARCH ON AVIATION TRAINING.

Section 427(a) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155) is amended by striking ''may'' and inserting ''shall''.

TITLE IV—EXPLORATION INITIATIVE

SEC. 401. SENSE OF CONGRESS.

It is the sense of Congress that the President of the United States should invite

America's friends and allies to participate in a long-term international initiative under the leadership of the United States to expand human and robotic presence into the solar system, including the exploration and utilization of the Moon, near Earth asteroids, Lagrangian points, and eventually Mars and its moons, among other exploration and utilization goals. When appropriate, the United States should lead confidence building measures that advance the long-term initiative for international cooperation.

SEC. 402. REAFFIRMATION OF EXPLORATION POLICY.

Congress hereby affirms its support for—

(1) the broad goals of the space exploration policy of the United States, including the eventual return to and exploration of the Moon and other destinations in the solar system and the important national imperative of independent access to space;

(2) the development of technologies and operational approaches that will enable a sustainable long-term program of human and robotic exploration of the solar system;

(3) activity related to Mars exploration, particularly for the development and testing of technologies and mission concepts needed for eventual consideration of optional mission architectures, pursuant to future authority to proceed with the consideration and implementation of such architectures; and

(4) international participation and cooperation, as well as commercial involvement in space exploration activities.

SEC. 403. STEPPING STONE APPROACH TO EXPLORATION.

In order to maximize the cost-effectiveness of the long-term exploration and utilization activities of the United States, the Administrator shall take all necessary steps, including engaging international partners, to ensure that activities in its lunar exploration program shall be designed and implemented in a manner that gives strong consideration to how those activities might also help meet the requirements of future exploration and utilization activities beyond the Moon. The timetable of the lunar phase of the long-term international exploration initiative shall be determined by the availability of funding. However, once an exploration-related project enters its development phase, the Administrator shall seek, to the maximum extent practicable, to complete that project without undue delays.

SEC. 404. LUNAR OUTPOST.

(a) ESTABLISHMENT.—As NASA works toward the establishment of a lunar outpost, NASA shall make no plans that would require a lunar outpost to be occupied to maintain its viability. Any such outpost shall be operable as a human-tended facility capable of remote or autonomous operation for extended periods.

(b) DESIGNATION.—The United States portion of the first human-tended outpost established on the surface of the Moon shall be designated the ''Neil A. Armstrong Lunar Outpost''.

(c) SENSE OF CONGRESS.—It is the sense of Congress that NASA should make use of commercial services to the maximum extent practicable in support of its lunar outpost activities.

SEC. 405. EXPLORATION TECHNOLOGY DEVELOPMENT.

(a) IN GENERAL.—A robust program of long-term exploration-related technology research and development will be essential for the success and sustainability of any enduring initiative of human and robotic exploration of the solar system.

(b) ESTABLISHMENT.—The Administrator shall carry out a program of long-term exploration-related technology research and development, including such things as in-space propulsion, power systems, life support, and advanced avionics, that is not tied to specific flight projects. The program shall have the funding goal of ensuring that the technology research and development can be completed in a timely manner in order to support the safe, successful, and sustainable exploration of the solar system. In addition, in order to ensure that the broadest range of innovative concepts and technologies are captured, the long-term technology program shall have the goal of having a significant portion of its funding available for external grants and contracts with universities, research institutions, and industry.

SEC. 406. EXPLORATION RISK MITIGATION PLAN.

(a) PLAN.—The Administrator shall prepare a plan that identifies and prioritizes the human and technical risks that will need to be addressed in carrying out human exploration beyond low Earth orbit and the research and development activities required to address those risks. The plan shall address the role of the International Space Station in exploration risk mitigation and include a detailed description of the specific steps being taken to utilize the International Space Station for that purpose.

(b) REPORT.—The Administrator shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the plan described in subsection (a) not later than one year after the date of enactment of this Act.

SEC. 407. EXPLORATION CREW RESCUE.

In order to maximize the ability to rescue astronauts whose space vehicles have become disabled, the Administrator shall enter into discussions with the appropriate representatives of spacefaring nations who have or plan to have crew transportation systems capable of orbital flight or flight beyond low Earth orbit for the purpose of agreeing on a common docking system standard.

SEC. 408. PARTICIPATORY EXPLORATION.

(a) IN GENERAL.—The Administrator shall develop a technology plan to enable dissemination of information to the public to allow the public to experience missions to the Moon, Mars, or other bodies within our solar system by leveraging advanced exploration technologies. The plan shall identify opportunities to leverage technologies in NASA's Constellation systems that deliver a rich, multi-media experience to the public, and that facilitate participation by the public, the private sector, nongovernmental organizations, and international partners. Technologies for collecting high-definition video, 3-dimensional images, and scientific data, along with the means to rapidly deliver this content through extended high bandwidth communications networks, shall be considered as part of this plan. It shall include a review of high bandwidth radio and laser communications, high-definition video, stereo imagery, 3-dimensional scene cameras, and Internet routers in space, from orbit, and on the lunar surface. The plan shall also consider secondary cargo capability for technology validation and science mission opportunities. In addition, the plan shall identify opportunities to develop and demonstrate these technologies on the International Space Station and robotic missions to the Moon, Mars, and other solar system bodies. As part of the technology plan, the Administrator shall examine the feasibility of having NASA enter into contracts and other agreements with appropriate public, private sector, and international partners to broadcast electronically, including via the Internet, images and multimedia records delivered from its missions in space to the public, and shall identify issues associated with such contracts and other agreements. In any such contracts and other agreements, NASA shall adhere to a transparent bidding process to award such contracts and other agreements, pursuant to United States law. As part of this plan, the Administrator shall include estimates of associated costs.

(b) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit the plan to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 409. SCIENCE AND EXPLORATION.

It is the sense of Congress that NASA's scientific and human exploration activities are synergistic; science enables exploration and human exploration enables science. The Congress encourages the Administrator to coordinate, where practical, NASA's science and exploration activities with the goal of maximizing the success of human exploration initiatives and furthering our understanding of the Universe that we explore.

SEC. 410. CONGRESSIONAL BUDGET OFFICE REPORT UPDATE.

Not later than 6 months after the date of enactment of this Act, the Congressional Budget Office shall update its report from 2004 on the budgetary analysis of NASA's Vision for the Nation's Space Exploration Program, including new estimates for Project Constellation, NASA's new generation of spacecraft designed for human space flight that will replace the Space Shuttle program.

TITLE V—SPACE SCIENCE

SEC. 501. TECHNOLOGY DEVELOPMENT.

The Administrator shall establish an intra-Directorate long-term technology development program for space and Earth science within the Science Mission Directorate for the development of new technology. The program shall be independent of the flight projects under development. NASA shall have a goal of funding the intra-Directorate technology development program at a level of 5 percent of the total Science Mission Directorate annual budget. The program shall be structured to include competitively awarded grants and contracts.

SEC. 502. PROVISION FOR FUTURE SERVICING OF OBSERVATORY-CLASS SCIENTIFIC SPACECRAFT.

The Administrator shall take all necessary steps to ensure that provision is made in the design and construction of all future observatory-class scientific spacecraft intended to be deployed in Earth orbit or at a Lagrangian point in space for robotic or human servicing and repair to the extent practicable and appropriate.

SEC. 503. MARS EXPLORATION.

Congress reaffirms its support for a systematic, integrated program of exploration of the Martian surface to examine the planet whose surface is most like Earth's, to search for evidence of past or present life, and to examine Mars for future habitability and as a long-term goal for future human exploration. To the extent affordable and practical, the program should pursue the goal of launches at every Mars launch opportunity, leading to an eventual robotic sample return.

SEC. 504. IMPORTANCE OF A BALANCED SCIENCE PROGRAM.

It is the sense of Congress that a balanced and adequately funded set of activities, consisting of NASA's research and analysis grants programs, technology development, small-, medium-, and large-sized space science missions, and suborbital research activities, contributes to a robust and productive science program and serves as a catalyst for innovation.

SEC. 505. SUBORBITAL RESEARCH ACTIVITIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that suborbital flight activities, including the use of sounding rockets, aircraft, and high-altitude balloons, and suborbital reusable launch vehicles, offer valuable opportunities to advance science, train the next generation of scientists and engineers, and provide opportunities for participants in the programs to acquire skills in systems engineering and systems integration that are critical to maintaining the Nation's leadership in space programs. The Congress believes that it is in the national interest to expand the size of NASA's suborbital research program. It is further the sense of Congress that funding for suborbital research activities should be considered part of the contribution of NASA to United States competitive and educational enhancement and should represent increased funding as contemplated in section 2001 of the America COMPETES Act (42 U.S.C. 16611(a)).

(b) REVIEW OF SUBORBITAL MISSION CAPABILITIES.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Administrator shall enter into an arrangement with the National Academies to conduct a review of the suborbital mission capabilities of NASA.

(2) MATTERS REVIEWED.—The review required by paragraph (1) shall include a review of the following:

(A) Existing programs that make use of suborbital flights.

(B) The status, capability, and availability of suborbital platforms, and the infrastructure and workforce necessary to support them.

(C) Existing or planned launch facilities for suborbital missions.

(D) Opportunities for scientific research, training, and educational collaboration in the conduct of suborbital missions by NASA, especially as they relate to the findings and recommendations of the National Academies decadal surveys and report on ''Building a Better NASA Workforce: Meeting the Workforce Needs for the National Vision for Space Exploration''.

(3) REPORT.—

(A) IN GENERAL.—Not later than 15 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the review required by this subsection.

(B) CONTENTS.—The report required by this paragraph shall include a summary of the review; the findings of the Administrator with respect to such review; recommendations regarding the growth of suborbital launch programs conducted by NASA; and the steps necessary to ensure such programs are conducted using domestic launch facilities to the maximum extent practicable, including any rationale and justification for using nondomestic facilities for such missions.

SEC. 506. RESTORATION OF RADIOISOTOPE THERMOELECTRIC GENERATOR MATERIAL PRODUCTION.

(a) PLAN.—The Director of OSTP shall develop a plan for restarting and sustaining the domestic production of radioisotope thermoelectric generator material for deep space and other space science missions.

(b) REPORT.—The plan developed under subsection (a) shall be transmitted to Congress not later than 270 days after the date of enactment of this Act.

SEC. 507. ASSESSMENT OF IMPEDIMENTS TO INTERAGENCY COOPERATION ON SPACE AND EARTH SCIENCE MISSIONS.

(a) ASSESSMENTS.—The Administrator, in consultation with other agencies with space science programs, shall enter into an arrangement with the National Academies to assess impediments, including cost growth, to the successful conduct of interagency cooperation on space science missions, to provide lessons learned and best practices, and to recommend steps to help facilitate successful interagency collaborations on space science missions. As part of the same arrangement with the National Academies, the Administrator, in consultation with NOAA and other agencies with civil Earth observation systems, shall have the National Academies assess impediments, including cost growth, to the successful conduct of interagency cooperation on Earth science missions, to provide lessons learned and best practices, and to recommend steps to help facilitate successful interagency collaborations on Earth science missions.

(b) REPORT.—The report of the assessments carried out under subsection (a) shall be transmitted to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 15 months after the date of enactment of this Act.

SEC. 508. ASSESSMENT OF COST GROWTH.

(a) STUDY.—The Administrator shall enter into an arrangement for an independent external assessment to identify the primary causes of cost growth in the large-, medium-, and small-sized space and Earth science spacecraft mission classes, and make recommendations as to what changes, if any, should be made to contain costs and ensure frequent mission opportunities in NASA's science spacecraft mission programs.

(b) REPORT.—The report of the assessment conducted under subsection (a) shall be submitted to Congress not later than 15 months after the date of enactment of this Act.

SEC. 509. OUTER PLANETS EXPLORATION.

It is the sense of Congress that the outer solar system planets and their satellites can offer important knowledge about the formation and evolution of the solar system, the nature and diversity of these solar system bodies, and the potential for conditions conducive to life beyond Earth. NASA should move forward with plans for an Outer Planets flagship mission to the Europa-Jupiter system or the Titan-Saturn system as soon as practicable within a balanced Planetary Science program.

TITLE VI—SPACE OPERATIONS

Subtitle A—International Space Station

SEC. 601. PLAN TO SUPPORT OPERATION AND UTILIZATION OF THE ISS BEYOND FISCAL YEAR 2015.

(a) IN GENERAL.—The Administrator shall take all necessary steps to ensure that the International Space Station remains a viable and productive facility capable of potential United States utilization through at least 2020 and shall take no steps that would preclude its continued operation and utilization by the United States after 2015.

(b) PLAN TO SUPPORT OPERATIONS AND UTILIZATION OF THE INTERNATIONAL SPACE STATION BEYOND FISCAL YEAR 2015.—

(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to support the operations and utilization of the International Space Station beyond fiscal year 2015 for a period of not less than 5 years. The plan shall be an update and expansion of the operation plan of the International Space Station National Laboratory submitted to Congress in May 2007 under section 507 of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16767).

(2) CONTENT.—

(A) REQUIREMENTS TO SUPPORT OPERATION AND UTILIZATION OF THE ISS BEYOND FISCAL YEAR 2015.—As part of the plan required in paragraph (1), the Administrator shall provide each of the following:

(i) A list of critical hardware necessary to support International Space Station operations through the year 2020.

(ii) Specific known or anticipated maintenance actions that would need to be performed to support International Space Station operations and research through the year 2020.

(iii) Annual upmass and downmass requirements, including potential vehicles that will deliver such upmass and downmass, to support the International Space Station after the retirement of the Space Shuttle Orbiter and through the year 2020.

(B) ISS NATIONAL LABORATORY RESEARCH MANAGEMENT PLAN.—As part of the plan required in paragraph (1), the Administrator shall develop a Research Management Plan for the International Space Station. Such Plan shall include a process for selecting and prioritizing research activities (including fundamental, applied, commercial, and other research) for flight on the International Space Station. Such Plan shall be used to prioritize resources such as crew time, racks and equipment, and United States access to international research facilities and equipment. Such Plan shall also identify the organization to be responsible for managing United States research on the International Space Station, including a description of the relationship of the management institution with NASA (e.g., internal NASA office, contract, cooperative agreement, or grant), the estimated length of time for the arrangement, and the budget required to support the management institution. Such Plan shall be developed in consultation with other Federal agencies, academia, industry, and other relevant stakeholders. The Administrator may request the support of the National Academy of Sciences or other appropriate independent entity, including an external consultant, in developing the Plan.

(C) ESTABLISHMENT OF PROCESS FOR ACCESS TO NATIONAL LABORATORY.—As part of the plan required in paragraph (1), the Administrator shall—

(i) establish a process by which to support International Space Station National Laboratory users in identifying their requirements for transportation of research supplies to and from the International Space Station, and for communicating those requirements to NASA and International Space Station transportation services providers; and

(ii) develop an estimate of the transportation requirements needed to support users of the International Space Station National Laboratory and develop a plan for satisfying those requirements by dedicating a portion of volume on NASA supply missions to the International Space Station.

(D) ASSESSMENT OF EQUIPMENT TO SUPPORT RESEARCH.—As part of the plan required in paragraph (1), the Administrator shall—

(i) provide a list of critical hardware that is anticipated to be necessary to support nonexploration-related and exploration-related research through the year 2020;

(ii) identify existing research equipment and racks and support equipment that are manifested for flight; and

(iii) provide a detailed description of the status of research equipment and facilities that were completed or in development prior to being cancelled, and provide the budget and milestones for completing and preparing the equipment for flight on the International Space Station.

(E) BUDGET PLAN.—As part of the plan required in paragraph (1), the Administrator shall provide a budget plan that reflects the anticipated use of such activities and the projected amounts to be required for fiscal years 2010 through 2020 to accomplish the objectives of the activities described in subparagraphs (A) through (D).

SEC. 602. INTERNATIONAL SPACE STATION NATIONAL LABORATORY ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall establish under the Federal Advisory Committee Act a committee to be known as the ''International Space Station National Laboratory Advisory Committee'' (hereafter in this section referred to as the ''Committee'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Committee shall be composed of individuals representing organizations who have formal agreements with NASA to utilize the United States portion of the International Space Station, including allocations within partner elements.

(2) CHAIR.—The Administrator shall appoint a chair from among the members of the Committee, who shall serve for a 2-year term.

(c) DUTIES OF THE COMMITTEE.—

(1) IN GENERAL.—The Committee shall monitor, assess, and make recommendations regarding effective utilization of the International Space Station as a national laboratory and platform for research.

(2) ANNUAL REPORT.—The Committee shall submit to the Administrator, on an annual basis or more frequently as considered necessary by a majority of the members of the Committee, a report containing the assessments and recommendations required by paragraph (1).

(d) DURATION.—The Committee shall exist for the life of the International Space Station.

SEC. 603. CONTINGENCY PLAN FOR CARGO RESUPPLY.

(a) IN GENERAL.—The International Space Station represents a significant investment of national resources, and it is a facility that embodies a cooperative international approach to the exploration and utilization of space. As such, it is important that its continued viability and productivity be ensured, to the maximum extent possible, after the Space Shuttle is retired.

(b) CONTINGENCY PLAN.—The Administrator shall develop a contingency plan and arrangements, including use of International Space Station international partner cargo resupply capabilities, to ensure the continued viability and productivity of the International Space Station in the event that United States commercial cargo resupply services are not available during any extended period after the date that the Space Shuttle is retired. The plan shall be delivered to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than one year after the date of enactment of this Act.

SEC. 604. SENSE OF CONGRESS ON USE OF SPACE LIFE SCIENCES LABORATORY AT KENNEDY SPACE CENTER.

It is the sense of Congress that the Space Life Sciences Laboratory at Kennedy Space Center represents a key investment and asset in the International Space Station National Laboratory capability. The laboratory is specifically designed to provide pre-flight, in-flight, and post-flight support services for International Space Station end-users, and should be utilized in this manner when appropriate.

Subtitle B—Space Shuttle

SEC. 611. SPACE SHUTTLE FLIGHT REQUIREMENTS.

(a) REPORT ON U.S. HUMAN SPACEFLIGHT CAPABILITIES.—Section 501(c) of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16761(c)) is amended by striking the matter before paragraph (1) and inserting the following: ''Not later than 90 days after the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2008, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report on the lack of a United States human space flight system to replace the Space Shuttle upon its planned retirement, currently scheduled for 2010, and the ability of the United States to uphold the policy described in subsection (a), including a description of—''.

(b) BASELINE MANIFEST.—In addition to the Space Shuttle flights listed as part of the baseline flight manifest as of January 1, 2008, the Utilization flights ULF–4 and ULF–5 shall be considered part of the Space Shuttle baseline flight manifest and shall be flown prior to the retirement of the Space Shuttle, currently scheduled for 2010.

(c) ADDITIONAL FLIGHT TO DELIVER THE ALPHA MAGNETIC SPECTROMETER AND OTHER SCIENTIFIC EQUIPMENT AND PAYLOADS TO THE INTERNATIONAL SPACE STATION.—

(1) IN GENERAL.—In addition to the flying of the baseline manifest as described in subsection (b), the Administrator shall take all necessary steps to fly one additional Space Shuttle flight to deliver the Alpha Magnetic Spectrometer and other scientific equipment and payloads to the International Space Station prior to the retirement of the Space Shuttle. The purpose of the mission required to be planned under this subsection shall be to ensure the active use of the United States portion of the International Space Station as a National Laboratory by the delivery of the Alpha Magnetic Spectrometer, and to the extent practicable, the delivery of flight-ready research experiments prepared under the Memoranda of Understanding between NASA and other entities to facilitate the utilization of the International Space Station National Laboratory, as well as other fundamental and applied life sciences and other microgravity research experiments to the International Space Station as soon as the assembly of the International Space Station is completed.

(2) FLIGHT SCHEDULE.—If the Administrator, within 12 months before the scheduled date of the additional Space Shuttle flight authorized by paragraph (1), determines that—

(A) NASA will be unable to meet that launch date before the end of calendar year 2010, unless the President decides to extend Shuttle operations beyond 2010, or

(B) implementation of the additional flight requirement would, in and of itself, result in—

(i) significant increased costs to NASA over the cost estimate of the additional flight as determined by the Independent Program Assessment Office, or

(ii) unacceptable safety risks associated with making the flight before termination of the Space Shuttle program,

the Administrator shall notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science and Technology of the determination, and provide a detailed explanation of the basis for that determination. After the notification is provided to the Committees, the Administrator shall remove the flight from the Space Shuttle schedule unless the Congress by law reauthorizes the flight or the President certifies that it is in the national interest to fly the mission.

(d) TERMINATION OR SUSPENSION OF ACTIVITIES THAT WOULD PRECLUDE CONTINUED FLIGHT OF SPACE SHUTTLE PRIOR TO REVIEW BY THE INCOMING 2009 PRESIDENTIAL ADMINISTRATION.—

(1) IN GENERAL.—The Administrator shall terminate or suspend any activity of the Agency that, if continued between the date of enactment of this Act and April 30, 2009, would preclude the continued safe and effective flight of the Space Shuttle after fiscal year 2010 if the first President inaugurated on January 20, 2009, were to make a determination to delay the Space Shuttle's scheduled retirement.

(2) REPORT ON IMPACT OF COMPLIANCE.—Within 90 days after the date of enactment of this Act, the Administrator shall provide a report to the Congress describing the expected budgetary and programmatic impacts from compliance with paragraph (1). The report shall include—

(A) a summary of the actions taken to ensure the option to continue space shuttle flights beyond the end of fiscal year 2010 is not precluded before April 30, 2009;

(B) an estimate of additional costs incurred by each specific action identified in the summary provided under subparagraph (A);

(C) a description of the proposed plan for allocating those costs among anticipated fiscal year 2009 appropriations or existing budget authority;

(D) a description of any programmatic impacts within the Space Operations Mission Directorate that would result from reallocations of funds to meet the requirements of paragraph (1);

(E) a description of any additional authority needed to enable compliance with the requirements of paragraph (1); and

(F) a description of any potential disruption to the timely progress of development milestones in the preparation of infrastructure or work-force requirements for shuttle follow-on launch systems.

(e) REPORT ON IMPACTS OF SPACE SHUTTLE EXTENSION.—Within 120 days after the date of enactment of this Act, the Administrator shall provide a report to the Congress outlining options, impacts, and associated costs of ensuring the safe and effective operation of the Space Shuttle at the minimum rate necessary to support International Space Station operations and resupply, including for both a near-term, 1- to 2-year extension of Space Shuttle operations and for a longer term, 3- to 6-year extension. The report shall include an assessment of—

(1) annual fixed and marginal costs, including identification and cost impacts of options for cost-sharing with the Constellation program and including the impact of those cost-sharing options on the Constellation program;

(2) the safety of continuing the use of the Space Shuttle beyond 2010, including a probability risk assessment of a catastrophic accident before completion of the extended Space Shuttle flight program, the underlying assumptions used in calculating that probability, and comparing the associated safety risks with those of other existing and planned human-rated launch systems, including the Soyuz and Constellation vehicles;

(3) a description of the activities and an estimate of the associated costs that would be needed to maintain or improve Space Shuttle safety throughout the periods described in the first sentence of this subsection were the President inaugurated on January 20,

2009, to extend Space Shuttle operations beyond 2010, the correctly anticipated date of Space Shuttle retirement;

(4) the impacts on facilities, workforce, and resources for the Constellation program and on the cost and schedule of that program;

(5) assumptions regarding workforce, skill mix, launch and processing infrastructure, training, ground support, orbiter maintenance and vehicle utilization, and other relevant factors, as appropriate, used in deriving the cost and schedule estimates for the options studied;

(6) the extent to which program management, processes, and workforce and contractor assignments can be integrated and streamlined for maximum efficiency to support continued shuttle flights while transitioning to the Constellation program, including identification of associated cost impacts on both the Space Shuttle and the Constellation program;

(7) the impact of a Space Shuttle flight program extention on the United States' dependence on Russia for International Space Station crew rescue services; and

(8) the potential for enhancements of International Space Station research, logistics, and maintenance capabilities resulting from extended Shuttle flight operations and the costs associated with implementing any such enhancements.

SEC. 612. UNITED STATES COMMERCIAL CARGO CAPABILITY STATUS.

The Administrator shall determine the degree to which an increase in the amounts authorized to be appropriated under section 101(3) for the Commercial Orbital Transportation Services project to be used by Phase One team members of such project in fiscal year 2009 would reasonably be expected to accelerate development of Capabilities A, B, and C of such project to an effective operations capability as close to 2010 as possible.

SEC. 613. SPACE SHUTTLE TRANSITION.

(a) DISPOSITION OF SHUTTLE-RELATED ASSETS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to Congress a plan describing the process for the disposition of the remaining Space Shuttle Orbiters and other Space Shuttle program-related hardware after the retirement of the Space Shuttle fleet.

(2) PLAN REQUIREMENTS.—The plan submitted under paragraph (1) shall include a description of a process by which educational institutions, science museums, and other appropriate organizations may acquire, through loan or disposal by the Federal Government, Space Shuttle program hardware.

(3) PROHIBITION ON DISPOSITION BEFORE COMPLETION OF PLAN.—The Administrator shall not dispose of any Space Shuttle program hardware before the plan required by paragraph (1) is submitted to Congress.

(b) SPACE SHUTTLE TRANSITION LIAISON OFFICE.—

(1) ESTABLISHMENT.—The Administrator shall develop a plan and establish a Space Shuttle Transition Liaison Office within the Office of Human Capital Management of NASA to assist local communities affected by the termination of the Space Shuttle program in mitigating the negative impacts on such communities caused by such termination. The plan shall define the size of the affected local community that would receive assistance described in paragraph (2).

(2) MANNER OF ASSISTANCE.—In providing assistance under paragraph (1), the office established under such paragraph shall—

(A) offer nonfinancial, technical assistance to communities described in such paragraph to assist in the mitigation described in such paragraph; and

(B) serve as a clearinghouse to assist such communities in identifying services available from other Federal, State, and local agencies to assist in such mitigation.

(3) TERMINATION OF OFFICE.—The office established under paragraph (1) shall terminate 2 years after the completion of the last Space Shuttle flight.

(4) SUBMISSION.—Not later than 180 days after the date of enactment of this Act, NASA shall provide a copy of the plan required by paragraph (1) to the Congress.

SEC. 614. AEROSPACE SKILLS RETENTION AND INVESTMENT REUTILIZATION REPORT.

(a) IN GENERAL.—The Administrator shall, in consultation with other Federal agencies, as appropriate—

(1) carry out an analysis of the facilities and human capital resources that will become available as a result of the retirement of the Space Shuttle program; and

(2) identify on-going or future Federal programs and projects that could use such facilities and resources.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report—

(1) on the analysis required by paragraph (1) of subsection (a), including the findings of the Administrator with respect to such analysis; and

(2) describing the programs and projects identified under paragraph (2) of such subsection.

SEC. 615. TEMPORARY CONTINUATION OF COVERAGE OF HEALTH BENEFITS.

(a) IN GENERAL.—Section 8905a(d) of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(6)(A) If the basis for continued coverage under this section is, as a result of the termination of the Space Shuttle Program, an involuntary separation from a position due to a reduction-in-force or declination of a directed reassignment or transfer of function, or a voluntary separation from a surplus position in the National Aeronautics and Space Administration—

''(i) the individual shall be liable for not more than the employee contributions referred to in paragraph (1)(A)(i); and

''(ii) the National Aeronautics and Space Administration shall pay the remaining portion of the amount required under paragraph (1)(A).

''(B) This paragraph shall only apply with respect to individuals whose continued coverage is based on a separation occurring on or after the date of enactment of this paragraph and before December 31, 2010.

''(C) For purposes of this paragraph, 'surplus position' means a position which is—

''(i) identified in pre-reduction-in-force planning as no longer required, and which is expected to be eliminated under formal reduction-in-force procedures as a result of the termination of the Space Shuttle Program; or

''(ii) encumbered by an employee who has received official certification from the National Aeronautics and Space Administration consistent with the Administration's career transition assistance program regulations that the position is being abolished as a result of the termination of the Space Shuttle Program.''.

(b) CONFORMING AMENDMENT.—Paragraph (1)(A) of such subsection (d) is amended by striking ''(4) and (5)'' and inserting ''(4), (5), and (6)''.

SEC. 616. ACCOUNTING REPORT.

Within 180 days after the date of enactment of this Act, the Administrator shall provide to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that will summarize any actions taken or planned to be taken during fiscal years 2008 and 2009 to begin reductions in expenditures and activities related to the Space Shuttle program. The report shall include a summary of any actual or anticipated cost savings to the Space Shuttle program relative to the FY 2008 and FY 2009 Space Shuttle program budgets and runout projections as a result of such actions, as well as a summary of any actual or anticipated liens or budgetary challenges to the Space Shuttle program during fiscal years 2008 and 2009.

Subtitle C—Launch Services

SEC. 621. LAUNCH SERVICES STRATEGY.

(a) IN GENERAL.—In preparation for the award of contracts to follow up on the current NASA Launch Services (NLS) contracts, the Administrator shall develop a strategy for providing domestic commercial launch services in support of NASA's small and medium-sized Science, Space Operations, and Exploration missions, consistent with current law and policy.

(b) REPORT.—The Administrator shall transmit a report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the strategy developed under subsection (a) not later than 90 days after the date of enactment of this Act. The report shall provide, at a minimum—

(1) the results of the Request for Information on small to medium-sized launch services released on April 22, 2008;

(2) an analysis of possible alternatives to maintain small and medium-sized lift capabilities after June 30, 2010, including the use of the Department of Defense's Evolved Expendable Launch Vehicle (EELV);

(3) the recommended alternatives, and associated 5-year budget plans starting in October 2010 that would enable their implementation; and

(4) a contingency plan in the event the recommended alternatives described in paragraph (3) are not available when needed.

TITLE VII—EDUCATION

SEC. 701. RESPONSE TO REVIEW.

(a) PLAN.—The Administrator shall prepare a plan identifying actions taken or planned in response to the recommendations of the National Academies report, ''NASA's Elementary and Secondary Education Program: Review and Critique''. For those actions that have not been implemented, the plan shall include a schedule and budget required to support the actions.

(b) REPORT.—The plan prepared under subsection (a) shall be transmitted to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.

SEC. 702. EXTERNAL REVIEW OF EXPLORER SCHOOLS PROGRAM.

(a) REVIEW.—The Administrator shall make arrangements for an independent external review of the Explorer Schools program to evaluate its goals, status, plans, and accomplishments.

(b) REPORT.—The report of the independent external review shall be transmitted to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.

SEC. 703. SENSE OF CONGRESS ON EARTHKAM AND ROBOTICS COMPETITIONS.

It is the sense of Congress that NASA's educational programs are important sources

of inspiration and hands-on learning for the next generation of engineers and scientists and should be supported. In that regard, programs such as EarthKAM, which brings NASA directly into American classrooms by enabling students to talk directly with astronauts aboard the International Space Station and to take photographs of Earth from space, and NASA involvement in robotics competitions for students of all levels, are particularly worthy undertakings and NASA should support them and look for additional opportunities to engage students through NASA's space and aeronautics activities.

SEC. 704. ENHANCEMENT OF EDUCATIONAL ROLE OF NASA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the International Space Station offers a unique opportunity for Federal agencies to engage students in science, technology, engineering, and mathematics education. Congress encourages NASA to include other Federal agencies in its planning efforts to use the International Space Station National Laboratory for science, technology, engineering, and mathematics educational activities.

(b) EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.—In order to ensure that research expertise and talent throughout the Nation is developed and engaged in NASA research and education activities, NASA shall, as part of its annual budget submission, detail additional steps that can be taken to further integrate the participating EPSCoR States in both existing and new or emerging NASA research programs and center activities.

(c) NATIONAL SPACE GRANT COLLEGE AND FELLOWSHIP PROGRAM.—NASA shall continue its emphasis on the importance of education to expand opportunities for Americans to understand and participate in NASA's aeronautics and space projects by supporting and enhancing science and engineering education, research, and public outreach efforts.

TITLE VIII—NEAR-EARTH OBJECTS

SEC. 801. REAFFIRMATION OF POLICY.

(a) REAFFIRMATION OF POLICY ON SURVEYING NEAR-EARTH ASTEROIDS AND COMETS.—Congress reaffirms the policy set forth in section 102(g) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451(g)) (relating to surveying near-Earth asteroids and comets).

(b) SENSE OF CONGRESS ON BENEFITS OF NEAR-EARTH OBJECT PROGRAM ACTIVITIES.—It is the sense of Congress that the near-Earth object program activities of NASA will provide benefits to the scientific and exploration activities of NASA.

SEC. 802. FINDINGS.

Congress makes the following findings:

(1) Near-Earth objects pose a serious and credible threat to humankind, as many scientists believe that a major asteroid or comet was responsible for the mass extinction of the majority of the Earth's species, including the dinosaurs, nearly 65,000,000 years ago.

(2) Several such near-Earth objects have only been discovered within days of the objects' closest approach to Earth and recent discoveries of such large objects indicate that many large near-Earth objects remain undiscovered.

(3) Asteroid and comet collisions rank as one of the most costly natural disasters that can occur.

(4) The time needed to eliminate or mitigate the threat of a collision of a potentially hazardous near-Earth object with Earth is measured in decades.

(5) Unlike earthquakes and hurricanes, asteroids and comets can provide adequate collision information, enabling the United States to include both asteroid-collision and comet-collision disaster recovery and disaster avoidance in its public-safety structure.

(6) Basic information is needed for technical and policy decisionmaking for the United States to create a comprehensive program in order to be ready to eliminate and mitigate the serious and credible threats to humankind posed by potentially hazardous near-Earth asteroids and comets.

(7) As a first step to eliminate and to mitigate the risk of such collisions, situation and decision analysis processes, as well as procedures and system resources, must be in place well before a collision threat becomes known.

SEC. 803. REQUESTS FOR INFORMATION.

The Administrator shall issue requests for information on—

(1) a low-cost space mission with the purpose of rendezvousing with, attaching a tracking device, and characterizing the Apophis asteroid; and

(2) a medium-sized space mission with the purpose of detecting near-Earth objects equal to or greater than 140 meters in diameter.

SEC. 804. ESTABLISHMENT OF POLICY WITH RESPECT TO THREATS POSED BY NEAR-EARTH OBJECTS.

Within 2 years after the date of enactment of this Act, the Director of the OSTP shall—

(1) develop a policy for notifying Federal agencies and relevant emergency response institutions of an impending near-Earth object threat, if near-term public safety is at risk; and

(2) recommend a Federal agency or agencies to be responsible for—

(A) protecting the United States from a near-Earth object that is expected to collide with Earth; and

(B) implementing a deflection campaign, in consultation with international bodies, should one be necessary.

SEC. 805. PLANETARY RADAR CAPABILITY.

The Administrator shall maintain a planetary radar that is comparable to the capability provided through the Deep Space Network Goldstone facility of NASA.

SEC. 806. ARECIBO OBSERVATORY.

Congress reiterates its support for the use of the Arecibo Observatory for NASA-funded near-Earth object-related activities. The Administrator, using funds authorized in section 101(a)(1)(B), shall ensure the availability of the Arecibo Observatory's planetary radar to support these activities until the National Academies' review of NASA's approach for the survey and deflection of near-Earth objects, including a determination of the role of Arecibo, that was directed to be undertaken by the Fiscal Year 2008 Omnibus Appropriations Act, is completed.

SEC. 807. INTERNATIONAL RESOURCES.

It is the sense of Congress that, since an estimated 25,000 asteroids of concern have yet to be discovered and monitored, the United States should seek to obtain commitments for cooperation from other nations with significant resources for contributing to a thorough and timely search for such objects and an identification of their characteristics.

TITLE IX—COMMERCIAL INITIATIVES

SEC. 901. SENSE OF CONGRESS.

It is the sense of Congress that a healthy and robust commercial sector can make significant contributions to the successful conduct of NASA's space exploration program. While some activities are inherently governmental in nature, there are many other activities, such as routine supply of water, fuel, and other consumables to low Earth orbit or to destinations beyond low Earth orbit, and provision of power or communications services to lunar outposts, that potentially could be carried out effectively and efficiently by the commercial sector at some point in the future. Congress encourages NASA to look for such service opportunities and, to the maximum extent practicable, make use of the commercial sector to provide those services. It is further the sense of Congress that United States entrepreneurial space companies have the potential to develop and deliver innovative technology solutions at affordable costs. NASA is encouraged to use United States entrepreneurial space companies to conduct appropriate research and development activities. NASA is further encouraged to seek ways to ensure that firms that rely on fixed-price proposals are not disadvantaged when NASA seeks to procure technology development.

SEC. 902. COMMERCIAL CREW INITIATIVE.

(a) IN GENERAL.—In order to stimulate commercial use of space, help maximize the utility and productivity of the International Space Station, and enable a commercial means of providing crew transfer and crew rescue services for the International Space Station, NASA shall—

(1) make use of United States commercially provided International Space Station crew transfer and crew rescue services to the maximum extent practicable, if those commercial services have demonstrated the capability to meet NASA-specified ascent, entry, and International Space Station proximity operations safety requirements;

(2) limit, to the maximum extent practicable, the use of the Crew Exploration Vehicle to missions carrying astronauts beyond low Earth orbit once commercial crew transfer and crew rescue services that meet safety requirements become operational;

(3) facilitate, to the maximum extent practicable, the transfer of NASA-developed technologies to potential United States commercial crew transfer and rescue service providers, consistent with United States law; and

(4) issue a notice of intent, not later than 180 days after the date of enactment of this Act, to enter into a funded, competitively awarded Space Act Agreement with 2 or more commercial entities for a Phase 1 Commercial Orbital Transportation Services crewed vehicle demonstration program.

(b) CONGRESSIONAL INTENT.—It is the intent of Congress that funding for the program described in subsection (a)(4) shall not come at the expense of full funding of the amounts authorized under section 101(3)(A), and for future fiscal years, for Orion Crew Exploration Vehicle development, Ares I Crew Launch Vehicle development, or International Space Station cargo delivery.

(c) ADDITIONAL TECHNOLOGIES.—NASA shall make International Space Station-compatible docking adaptors and other relevant technologies available to the commercial crew providers selected to service the International Space Station.

(d) CREW TRANSFER AND CREW RESCUE SERVICES CONTRACT.—If a commercial provider demonstrates the capability to provide International Space Station crew transfer and crew rescue services and to satisfy NASA ascent, entry, and International Space Station proximity operations safety requirements, NASA shall enter into an International Space Station crew transfer and crew rescue services contract with that commercial provider for a portion of NASA's anticipated International Space Station crew transfer and crew rescue requirements from the time the commercial provider commences operations under contract with NASA through calendar year 2016, with an option to extend the period of performance through calendar year 2020.

TITLE X—REVITALIZATION OF NASA INSTITUTIONAL CAPABILITIES

SEC. 1001. REVIEW OF INFORMATION SECURITY CONTROLS.

(a) REPORT ON CONTROLS.—Not later than one year after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a review of information security controls that protect NASA's information technology resources and information from inadvertent or deliberate misuse, fraudulent use, disclosure, modification, or destruction. The review shall focus on networks servicing NASA's mission directorates. In assessing these controls, the review shall evaluate—

(1) the network's ability to limit, detect, and monitor access to resources and information, thereby safeguarding and protecting them from unauthorized access;

(2) the physical access to network resources; and

(3) the extent to which sensitive research and mission data is encrypted.

(b) RESTRICTED REPORT ON INTRUSIONS.—Not later than one year after the date of enactment of this Act, and in conjunction with the report described in subsection (a), the Comptroller General shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a restricted report detailing results of vulnerability assessments conducted by the Government Accountability Office on NASA's network resources. Intrusion attempts during such vulnerability assessments shall be divulged to NASA senior management prior to their application. The report shall put vulnerability assessment results in the context of unauthorized accesses or attempts during the prior two years and the corrective actions, recent or ongoing, that NASA has implemented in conjunction with other Federal authorities to prevent such intrusions.

SEC. 1002. MAINTENANCE AND UPGRADE OF CENTER FACILITIES.

(a) IN GENERAL.—In order to sustain healthy Centers that are capable of carrying out NASA's missions, the Administrator shall ensure that adequate maintenance and upgrading of those Center facilities is performed on a regular basis.

(b) REVIEW.—The Administrator shall determine and prioritize the maintenance and upgrade backlog at each of NASA's Centers and associated facilities, and shall develop a strategy and budget plan to reduce that maintenance and upgrade backlog by 50 percent over the next five years.

(c) REPORT.—The Administrator shall deliver a report to Congress on the results of the activities undertaken in subsection (b) concurrently with the delivery of the fiscal year 2011 budget request.

SEC. 1003. ASSESSMENT OF NASA LABORATORY CAPABILITIES.

(a) IN GENERAL.—NASA's laboratories are a critical component of NASA's research capabilities, and the Administrator shall ensure that those laboratories remain productive.

(b) REVIEW.—The Administrator shall enter into an arrangement for an independent external review of NASA's laboratories, including laboratory equipment, facilities, and support services, to determine whether they are equipped and maintained at a level adequate to support NASA's research activities. The assessment shall also include an assessment of the relative quality of NASA's in-house laboratory equipment and facilities compared to comparable laboratories elsewhere. The results of the review shall be provided to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of this Act.

SEC. 1004. STUDY AND REPORT ON PROJECT ASSIGNMENT AND WORK ALLOCATION OF FIELD CENTERS.

(a) STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall complete a study of all field centers of NASA, including the Michoud Assembly Facility.

(2) MATTERS STUDIED.—The study required by paragraph (1) shall include the mission and future roles and responsibilities of the field centers, including the Michoud Assembly Facility, described in paragraph (1).

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the appropriate congressional committees a report on the study required by subsection (a)(1).

(2) CONTENT.—The report required by paragraph (1) shall include the following:

(A) A comprehensive analysis of the work allocation of all field centers of NASA, including the Michoud Assembly Facility.

(B) A description of the program and project roles, functions, and activities assigned to each field center, including the Michoud Assembly Facility.

(C) Details on how field centers, including the Michoud Assembly Facility, are selected and designated for lead and support role work assignments (including program and contract management assignments).

TITLE XI—OTHER PROVISIONS

SEC. 1101. SPACE WEATHER.

(a) PLAN FOR REPLACEMENT OF ADVANCED COMPOSITION EXPLORER AT L-1 LAGRANGIAN POINT.—

(1) PLAN.—The Director of OSTP shall develop a plan for sustaining space-based measurements of solar wind from the L-1 Lagrangian point in space and for the dissemination of the data for operational purposes. OSTP shall consult with NASA, NOAA, and other Federal agencies, and with industry, in developing the plan.

(2) REPORT.—The Director shall transmit the plan to Congress not later than 1 year after the date of enactment of this Act.

(b) ASSESSMENT OF THE IMPACT OF SPACE WEATHER ON AVIATION.—

(1) STUDY.—The Director of OSTP shall enter into an arrangement with the National Research Council for a study of the impacts of space weather on the current and future United States aviation industry, and in particular to examine the risks for Over-The-Pole (OTP) and Ultra-Long-Range (ULR) operations. The study shall—

(A) examine space weather impacts on, at a minimum, communications, navigation, avionics, and human health in flight;

(B) assess the benefits of space weather information and services to reduce aviation costs and maintain safety; and

(C) provide recommendations on how NOAA, the National Science Foundation, and other relevant agencies, can most effectively carry out research and monitoring activities related to space weather and aviation.

(2) REPORT.—A report containing the results of the study shall be provided to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.

SEC. 1102. INITIATION OF DISCUSSIONS ON DEVELOPMENT OF FRAMEWORK FOR SPACE TRAFFIC MANAGEMENT.

(a) FINDING.—Congress finds that as more countries acquire the capability for launching payloads into outer space, there is an increasing need for a framework under which information intended to promote safe access into outer space, operations in outer space, and return from outer space to Earth free from physical or radio-frequency interference can be shared among those countries.

(b) DISCUSSIONS.—The Administrator shall, in consultation with such other agencies of the Federal Government as the Administrator considers appropriate, initiate discussions with the appropriate representatives of other space-faring countries to determine an appropriate frame-work under which information intended to promote safe access into outer space, operations in outer space, and return from outer space to Earth free from physical or radio-frequency interference can be shared among those nations.

SEC. 1103. ASTRONAUT HEALTH CARE.

(a) SURVEY.—The Administrator shall administer an anonymous survey of astronauts and flight surgeons to evaluate communication, relationships, and the effectiveness of policies. The survey questions and the analysis of results shall be evaluated by experts independent of NASA. The survey shall be administered on at least a biennial basis.

(b) REPORT.—The Administrator shall transmit a report of the results of the survey to Congress not later than 90 days following completion of the survey.

SEC. 1104. NATIONAL ACADEMIES DECADAL SURVEYS.

(a) IN GENERAL.—The Administrator shall enter into agreements on a periodic basis with the National Academies for independent assessments, also known as decadal surveys, to take stock of the status and opportunities for Earth and space science discipline fields and Aeronautics research and to recommend priorities for research and programmatic areas over the next decade.

(b) INDEPENDENT COST ESTIMATES.—The agreements described in subsection(a) shall include independent estimates of the life cycle costs and technical readiness of missions assessed in the decadal surveys whenever possible.

(c) REEXAMINATION.—The Administrator shall request that each National Academies decadal survey committee identify any conditions or events, such as significant cost growth or scientific or technological advances, that would warrant NASA asking the National Academies to reexamine the priorities that the decadal survey had established.

SEC. 1105. INNOVATION PRIZES.

(a) IN GENERAL.—Prizes can play a useful role in encouraging innovation in the development of technologies and products that can assist NASA in its aeronautics and space activities, and the use of such prizes by NASA should be encouraged.

(b) AMENDMENTS.—Section 314 of the National Aeronautics and Space Act of 1958 is amended—

(1) by amending subsection (b) to read as follows:

''(b) TOPICS.—In selecting topics for prize competitions, the Administrator shall consult widely both within and outside the Federal Government, and may empanel advisory committees. The Administrator shall give consideration to prize goals such as the demonstration of the ability to provide energy to the lunar surface from space-based solar power systems, demonstration of innovative near-Earth object survey and deflection strategies, and innovative approaches to improving the safety and efficiency of aviation systems.''; and

(2) in subsection (i)(4) by striking ''$10,000,000'' and inserting ''$50,000,000''.

SEC. 1106. COMMERCIAL SPACE LAUNCH RANGE STUDY.

(a) STUDY BY INTERAGENCY COMMITTEE.—The Director of OSTP shall work with other appropriate Federal agencies to establish an interagency committee to conduct a study to—

(1) identify the issues and challenges associated with establishing space launch ranges and facilities that are fully dedicated to commercial space missions in close proximity to Federal launch ranges or other Federal facilities; and

(2) develop a coordinating mechanism such that States seeking to establish such commercial space launch ranges will be able to effectively and efficiently interface with the Federal Government concerning issues related to the establishment of such commercial launch ranges in close proximity to Federal launch ranges or other Federal facilities.

(b) REPORT.—The Director shall, not later than May 31, 2010, submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under subsection (a).

SEC. 1107. NASA OUTREACH PROGRAM.

(a) ESTABLISHMENT.—NASA shall competitively select an organization to partner with NASA centers, aerospace contractors, and academic institutions to carry out a program to help promote the competitiveness of small, minority-owned, and women-owned businesses in communities across the United States through enhanced insight into the technologies of NASA's space and aeronautics programs. The program shall support the mission of NASA's Innovative Partnerships Program with its emphasis on joint partnerships with industry, academia, government agencies, and national laboratories.

(b) PROGRAM STRUCTURE.—In carrying out the program described in subsection (a), the organization shall support the mission of NASA's Innovative Partnerships Program by undertaking the following activities:

(1) Facilitating the enhanced insight of the private sector into NASA's technologies in order to increase the competitiveness of the private sector in producing viable commercial products.

(2) Creating a network of academic institutions, aerospace contractors, and NASA centers that will commit to donating appropriate technical assistance to small businesses, giving preference to socially and economically disadvantaged small business concerns, small business concerns owned and controlled by service-disabled veterans, and HUBZone small business concerns. This paragraph shall not apply to any contracting actions entered into or taken by NASA.

(3) Creating a network of economic development organizations to increase the awareness and enhance the effectiveness of the program nationwide.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit a report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the efforts and accomplishments of the program established under subsection (a) in support of NASA's Innovative Partnerships Program. As part of the report, the Administrator shall provide—

(1) data on the number of small businesses receiving assistance, jobs created and retained, and volunteer hours donated by NASA, contractors, and academic institutions nationwide;

(2) an estimate of the total dollar value of the economic impact made by small businesses that received technical assistance through the program; and

(3) an accounting of the use of funds appropriated for the program.

SEC. 1108. REDUCTION-IN-FORCE MORATORIUM.

NASA shall not initiate or implement a reduction-in-force, or conduct any other involuntary separations of permanent, non-Senior Executive Service, civil servant employees before December 31, 2010, except for cause on charges of misconduct, delinquency, or inefficiency.

SEC. 1109. PROTECTION OF SCIENTIFIC CREDIBILITY, INTEGRITY, AND COMMUNICATION WITHIN NASA.

(a) SENSE OF THE CONGRESS.—It is the sense of Congress that NASA should not dilute, distort, suppress, or impede scientific research or the dissemination thereof.

(b) STUDY.—Within 60 days after the date of enactment of this Act, the Comptroller General shall—

(1) initiate a study to be completed within 270 days to determine whether the regulations set forth in part 1213 of title 14, Code of Federal Regulations, are being implemented in a clear and consistent manner by NASA to ensure the dissemination of research; and

(2) transmit a report to the Congress setting forth the Comptroller General's findings, conclusions, and recommendations.

(c) RESEARCH.—The Administrator shall work to ensure that NASA's policies on the sharing of climate related data respond to the recommendations of the Government Accountability Office's report on climate change research and data-sharing policies and to the recommendations on the processing, distribution, and archiving of data by the National Academies Earth Science Decadal Survey, ''Earth Science and Applications from Space'', and other relevant National Academies reports, to enhance and facilitate their availability and widest possible use to ensure public access to accurate and current data on global warming.

SEC. 1110. SENSE OF CONGRESS REGARDING THE NEED FOR A ROBUST WORKFORCE.

It is the sense of Congress that—

(1) a robust and highly skilled workforce is critical to the success of NASA's programs;

(2) voluntary attrition, the retirement of many senior workers, and difficulties in recruiting could leave NASA without access to the intellectual capital necessary to compete with its global competitors; and

(3) NASA should work cooperatively with other agencies of the United States Government responsible for programs related to space and the aerospace industry to develop and implement policies, including those with an emphasis on improving science, technology, engineering, and mathematics education at all levels, to sustain and expand the diverse workforce available to NASA.

SEC. 1111. METHANE INVENTORY.

Within 12 months after the date of enactment of this Act, the Director of OSTP, in conjunction with the Administrator, the Administrator of NOAA, and other appropriate Federal agencies and academic institutions, shall develop a plan, including a cost estimate and timetable, and initiate an inventory of natural methane stocks and fluxes in the polar region of the United States.

SEC. 1112. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142(a)) does not prohibit NASA from entering into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or predominantly produced from a nonconventional petroleum source, if—

(1) the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a nonconventional petroleum source;

(2) the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source; and

(3) the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source.

SEC. 1113. SENSE OF CONGRESS ON THE IMPORTANCE OF THE NASA OFFICE OF PROGRAM ANALYSIS AND EVALUATION.

(a) OFFICE OF PROGRAM ANALYSIS AND EVALUATION.—It is the sense of Congress that it is important for NASA to maintain an Office of Program Analysis and Evaluation that has as its mission:

(1) To develop strategic plans for NASA in accordance with section 306 of title 5, United States Code.

(2) To develop annual performance plans for NASA in accordance with section 1115 of title 31, United States Code.

(3) To provide analysis and recommendations to the Administrator on matters relating to the planning and programming phases of the Planning, Programming, Budgeting, and Execution system of NASA.

(4) To provide analysis and recommendations to the Administrator on matters relating to acquisition management and program oversight, including cost-estimating processes, contractor cost reporting processes, and contract performance assessments.

(b) OBJECTIVES.—It is further the sense of Congress that in performing those functions, the objectives of the Office should be the following:

(1) To align NASA's mission, strategic plan, budget, and performance plan with strategic goals and institutional requirements of NASA.

(2) To provide objective analysis of programs and institutions of NASA—

(A) to generate investment options for NASA; and

(B) to inform strategic decision making in NASA.

(3) To enable cost-effective, strategically aligned execution of programs and projects by NASA.

(4) To perform independent cost estimation in support of NASA decision making and establishment of standards for agency cost analysis.

(5) To ensure that budget formulation and execution are consistent with strategic investment decisions of NASA.

(6) To provide independent program and project reviews that address the credibility of technical, cost, schedule, risk, and management approaches with respect to available resources.

(7) To facilitate progress by NASA toward meeting the commitments of NASA.

SEC. 1114. SENSE OF CONGRESS ON ELEVATING THE IMPORTANCE OF SPACE AND AERONAUTICS WITHIN THE EXECUTIVE OFFICE OF THE PRESIDENT.

It is the sense of Congress that the President should elevate the importance of space and aeronautics within the Executive Office of the President by organizing the interagency focus on space and aeronautics matters in as effective a manner as possible, such as by means of the National Space Council authorized by section 501 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989 (42 U.S.C. 2471) or other appropriate mechanisms.

SEC. 1115. STUDY ON LEASING PRACTICES OF FIELD CENTERS.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Administrator shall complete a study on the

leasing practices of all field centers of NASA, including the Michoud Assembly Facility. Such study shall include the following:

(1) The method by which overhead maintenance expenses are distributed among tenants of such field centers.

(2) Identification of the impacts of such method on attracting businesses and partnerships to such field centers.

(3) Identification of the steps that can be taken to mitigate any adverse impacts identified under paragraph (2).

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the study required by subsection (a), including the following:

(1) The findings of the Administrator with respect to such study.

(2) A description of the impacts identified under subsection (a)(2).

(3) The steps identified under subsection (a)(3).

SEC. 1116. COOPERATIVE UNMANNED AERIAL VEHICLE ACTIVITIES.

The Administrator, in cooperation with the Administrator of NOAA and in coordination with other agencies that have existing civil capabilities, shall continue to utilize the capabilities of unmanned aerial vehicles as appropriate in support of NASA and interagency cooperative missions. The Administrator may enter into cooperative agreements with universities with unmanned aerial vehicle programs and related assets to conduct collaborative research and development activities, including development of appropriate applications of small unmanned aerial vehicle technologies and systems in remote areas.

SEC. 1117. DEVELOPMENT OF ENHANCED-USE LEASE POLICY.

(a) IN GENERAL.—The Administrator shall develop an agency-wide enhanced-use lease policy that—

(1) is based upon sound business practices and lessons learned from the demonstration centers; and

(2) establishes controls and procedures to ensure accountability and protect the interests of the Government.

(b) CONTENTS.—The policy required by subsection (a) shall include the following:

(1) Criteria for determining whether enhanced-use lease provides better economic value to the Government than other options, such as—

(A) Federal financing through appropriations; or

(B) sale of the property.

(2) Requirement for the identification of proposed physical and procedural changes needed to ensure security and restrict access to specified areas, coordination of proposed changes with existing site tenants, and development of estimated costs of such changes.

(3) Measures of effectiveness for the enhanced-use lease program.

(4) Accounting controls and procedures to ensure accountability, such as an audit trail and documentation to readily support financial transactions.

(c) ANNUAL REPORT.—Section 315(f) of the National Aeronautics and Space Administration Act of 1958 (42 U.S.C. 2459j(f)) is amended to read as follows:

''(f) REPORTING REQUIREMENTS.—The Administrator shall submit an annual report by January 31st of each year. Such report shall include the following:

''(1) Information that identifies and quantifies the value of the arrangements and expenditures of revenues received under this section.

''(2) The availability and use of funds received under this section for the Agency's operating plan.''.

(d) DISTRIBUTION OF CASH CONSIDERATION RECEIVED.—

(1) IN GENERAL.—Section 315(b)(3)(B) of such Act (42 U.S.C. 2459j(b)(3)(B)) is amended to read as follows:

''(B) Of any amounts of cash consideration received under this subsection that are not utilized in accordance with subparagraph (A)—

''(i) 35 percent shall be deposited in a capital asset account to be established by the Administrator, shall be available for maintenance, capital revitalization, and improvements of the real property assets and related personal property under the jurisdiction of the Administrator, and shall remain available until expended; and

''(ii) the remaining 65 percent shall be available to the respective center or facility of the Administration engaged in the lease of nonexcess real property, and shall remain available until expended for maintenance, capital revitalization, and improvements of the real property assets and related personal property at the respective center or facility subject to the concurrence of the Administrator.''.

(2) CONFORMING AMENDMENTS.—Section 533 of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1931) is amended—

(A) by amending subsection (b)(4) to read as follows:

''(4) in paragraph (2), as redesignated by paragraph (3) of this subsection, by adding at the end the following new subparagraph:

'' '(C) Amounts utilized under subparagraph (B) may not be utilized for daily operating costs.'.''; and

(B) in subsection (d)—

(i) by striking ''the following new subsection (f)'' and inserting ''the following new subsection''; and

(ii) in the quoted matter, by redesignating subsection (f) as subsection (g).

SEC. 1118. SENSE OF CONGRESS WITH RESPECT TO THE MICHOUD ASSEMBLY FACILITY AND NASA'S OTHER CENTERS AND FACILITIES.

It is the sense of Congress that the Michoud Assembly Facility represents a unique resource in the facilitation of the Nation's exploration programs and that every effort should be made to ensure the effective utilization of that resource, as well as NASA's other centers and facilities.

SEC. 1119. REPORT ON U.S. INDUSTRIAL BASE FOR LAUNCH VEHICLE ENGINES.

Not later than 180 days after the date of Enactment of this Act, the Director of the Office of Science and Technology Policy shall submit to Congress a report setting forth the assessment of the Director as to the capacity of the United States industrial base for development and production of engines to meet United States Government and commercial requirements for space launch vehicles. The Report required by this section shall include information regarding existing, pending, and planned engine developments across a broad spectrum of thrust capabilities, including propulsion for sub-orbital, small, medium, and heavy-lift space launch vehicles.

SEC. 1120. SENSE OF CONGRESS ON PRECURSOR INTERNATIONAL SPACE STATION RESEARCH.

It is the Sense of Congress that NASA is taking positive steps to utilize the Space Shuttle as a platform for precursor International Space Station research by maximizing to the extent practicable the use of middeck accommodations, including soft stowage, for near-term scientific and commercial applications on remaining Space Shuttle flights, and the Administrator is strongly encouraged to continue to promote the effective utilization of the Space Shuttle for precursor research within the constraints of the International Space Station assembly requirements.

SEC. 1121. LIMITATION ON FUNDING FOR CONFERENCES.

(a) IN GENERAL.—There are authorized to be appropriated not more than $5,000,000 for any expenses related to conferences, including conference programs, travel costs, and related expenses. No funds authorized under this Act may be used to support a Space Flight Awareness Launch Honoree Event conference. The total amount of the funds available under this Act for other Space Flight Awareness Honoree-related activities in fiscal year 2009 may not exceed ½ of the total amount of funds from all sources obligated or expended on such activities in fiscal year 2008.

(b) QUARTERLY REPORTS.—The Administrator shall submit quarterly reports to the Inspector General of NASA regarding the costs and contracting procedures relating to each conference held by NASA during fiscal year 2009 for which the cost to the Government is more than $20,000. Each report shall include, for each conference described in that subsection held during the applicable quarter—

(1) a description of the subject of and number of participants attending, the conference, including the number of NASA employees attending and the number of contractors attending at agency expense;

(2) a detailed statement of the costs to the Government relating to the conference, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services; and

(C) a discussion of the methodology used to determine which costs relate to the conference; and

D) cost of any room, board, travel, and per diem expenses; and

(3) a description of the contracting procedures relating to the conference, including—

(A) whether contracts were awarded on a competitive basis for that conference; and

(B) a discussion of any cost comparison conducted by NASA in evaluating potential contractors for that conference.

SEC. 1122. REPORT ON NASA EFFICIENCY AND PERFORMANCE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that contains a review of NASA programs and associated activities with an annual funding level of more than $50,000,000 that appear to be similar in scope and purpose to other activities within the Federal government, that includes—

(1) a brief description of each NASA program reviewed and its subordinate activities;

(2) the annual and cumulative appropriation amounts expended for each program reviewed and its subordinate activities since fiscal year 2005;

(3) a brief description of each Federal program and its subordinate activities that appears to have a similar scope and purpose to a NASA program; and

(4) a review of the formal and informal processes by which NASA coordinates with other Federal agencies to ensure that its programs and activities are not duplicative of similar efforts within the Federal government and that the programs and activities meet the core mission of NASA, and the degree of transparency and accountability afforded by those processes.

(b) DUPLICATIVE PROGRAMS.—If the Comptroller General determines, under subsection (a)(4), that any deficiency exists in the NASA procedures intended to avoid or eliminate conflict or duplication with other Federal agency activities, the Comptroller General shall include a recommendation as to how such procedures should be modified to ensure similar programs and associated activities can be consolidated, eliminated, or streamlined within NASA or within other Federal agencies to improve efficiency.

SA 5649. Mr. NELSON of Florida (for Mr. LEVIN (for himself and Mr. VOINOVICH)) proposed an amendment to the bill H.R. 6460, to amend the Federal Water Pollution Control Act to provide for the remediation of sediment contamination in areas of concern, and for other purposes; as follows:

Strike section 3(f) and all that follows and insert the following:

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 118(c)(12)(H) of such Act (33 U.S.C. 1268(c)(12)(H)) is amended—

(1) by striking clause (i) and inserting the following:

''(i) IN GENERAL.—In addition to other amounts authorized under this section, there is authorized to be appropriated to carry out this paragraph $50,000,000 for each of fiscal years 2004 through 2010.''; and

(2) by adding at the end the following:

''(iii) ALLOCATION OF FUNDS.—Not more than 20 percent of the funds appropriated pursuant to clause (i) for a fiscal year may be used to carry out subparagraph (F).''.

(g) PUBLIC INFORMATION PROGRAM.—Section 118(c)(13)(B) of such Act (33 U.S.C. 1268(c)(13)(B)) is amended by striking ''2008'' and inserting ''2010''.

SEC. 4. RESEARCH AND DEVELOPMENT PROGRAM.

Section 106(b) of the Great Lakes Legacy Act of 2002 (33 U.S.C. 1271a(b)) is amended by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—In addition to any amounts authorized under other provisions of law, there is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2004 through 2010.''.

SA 5650. Mr. DURBIN (for Mr. BIDEN (for himself, Mr. SCHUMER, Mr. HATCH, Mr. BROWN, Mr. ALEXANDER, Mr. CARPER, Mr. ALLARD, Mr. CASEY, Mr. BARRASSO, Mr. DODD, Mr. BROWNBACK, Mrs. MURRAY, Mr. CHAMBLISS, Mr. NELSON of Nebraska, Mr. CRAPO, Mr. NELSON of Florida, Mr. CORNYN, Mr. OBAMA, Mr. COBURN, Mr. PRYOR, Mr. ENZI, Mr. TESTER, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. KYL, Mr. MARTINEZ, Mr. MCCAIN, Mr. ROBERTS, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Mr. SUNUNU, Mr. THUNE, Mr. VITTER, Mr. MCCONNELL, Mr. VOINOVICH, Mr. BENNETT, Mr. SPECTER, and Mr. REID)) proposed an amendment to the bill S. 1738, to require the Department of Justice to develop and implement a National Strategy Child Exploitation Prevention and Interdiction, 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 child predators; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Providing Resources, Officers, and Technology To Eradicate Cyber Threats to Our Children Act of 2008'' or the ''PROTECT Our Children Act of 2008''.

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

SEC. 2. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) CHILD EXPLOITATION.—The term ''child exploitation'' means any conduct, attempted conduct, or conspiracy to engage in conduct involving a minor that violates section 1591, chapter 109A, chapter 110, and chapter 117 of title 18, United States Code, or any sexual activity involving a minor for which any person can be charged with a criminal offense.

(2) CHILD OBSCENITY.—The term ''child obscenity'' means any visual depiction proscribed by section 1466A of title 18, United States Code.

(3) MINOR.—The term ''minor'' means any person under the age of 18 years.

(4) SEXUALLY EXPLICIT CONDUCT.—The term ''sexually explicit conduct'' has the meaning given such term in section 2256 of title 18, United States Code.

TITLE I—NATIONAL STRATEGY FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION

SEC. 101. ESTABLISHMENT OF NATIONAL STRATEGY FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION.

(a) IN GENERAL.—The Attorney General of the United States shall create and implement a National Strategy for Child Exploitation Prevention and Interdiction.

(b) TIMING.—Not later than 1 year after the date of enactment of this Act and on February 1 of every second year thereafter, the Attorney General shall submit to Congress the National Strategy established under subsection (a).

(c) REQUIRED CONTENTS OF NATIONAL STRATEGY.—The National Strategy established under subsection (a) shall include the following:

(1) Comprehensive long-range, goals for reducing child exploitation.

(2) Annual measurable objectives and specific targets to accomplish long-term, quantifiable goals that the Attorney General determines may be achieved during each year beginning on the date when the National Strategy is submitted.

(3) Annual budget priorities and Federal efforts dedicated to combating child exploitation, including resources dedicated to Internet Crimes Against Children task forces, Project Safe Childhood, FBI Innocent Images Initiative, the National Center for Missing and Exploited Children, regional forensic computer labs, Internet Safety programs, and all other entities whose goal or mission is to combat the exploitation of children that receive Federal support.

(4) A 5-year projection for program and budget goals and priorities.

(5) A review of the policies and work of the Department of Justice related to the prevention and investigation of child exploitation crimes, including efforts at the Office of Justice Programs, the Criminal Division of the Department of Justice, the Executive Office of United States Attorneys, the Federal Bureau of Investigation, the Office of the Attorney General, the Office of the Deputy Attorney General, the Office of Legal Policy, and any other agency or bureau of the Department of Justice whose activities relate to child exploitation.

(6) A description of the Department's efforts to coordinate with international, State, local, tribal law enforcement, and private sector entities on child exploitation prevention and interdiction efforts.

(7) Plans for interagency coordination regarding the prevention, investigation, and apprehension of individuals exploiting children, including cooperation and collaboration with—

(A) Immigration and Customs Enforcement;

(B) the United States Postal Inspection Service;

(C) the Department of State;

(D) the Department of Commerce;

(E) the Department of Education;

(F) the Department of Health and Human Services; and

(G) other appropriate Federal agencies.

(8) A review of the Internet Crimes Against Children Task Force Program, including—

(A) the number of ICAC task forces and location of each ICAC task force;

(B) the number of trained personnel at each ICAC task force;

(C) the amount of Federal grants awarded to each ICAC task force;

(D) an assessment of the Federal, State, and local cooperation in each task force, including—

(i) the number of arrests made by each task force;

(ii) the number of criminal referrals to United States attorneys for prosecution;

(iii) the number of prosecutions and convictions from the referrals made under clause (ii);

(iv) the number, if available, of local prosecutions and convictions based on ICAC task force investigations; and

(v) any other information demonstrating the level of Federal, State, and local coordination and cooperation, as such information is to be determined by the Attorney General;

(E) an assessment of the training opportunities and technical assistance available to support ICAC task force grantees; and

(F) an assessment of the success of the Internet Crimes Against Children Task Force Program at leveraging State and local resources and matching funds.

(9) An assessment of the technical assistance and support available for Federal, State, local, and tribal law enforcement agencies, in the prevention, investigation, and prosecution of child exploitation crimes.

(10) A review of the backlog of forensic analysis for child exploitation cases at each FBI Regional Forensic lab and an estimate of the backlog at State and local labs.

(11) Plans for reducing the forensic backlog described in paragraph (10), if any, at Federal, State and local forensic labs.

(12) A review of the Federal programs related to child exploitation prevention and education, including those related to Internet safety, including efforts by the private sector and nonprofit entities, or any other initiatives, that have proven successful in promoting child safety and Internet safety.

(13) An assessment of the future trends, challenges, and opportunities, including new technologies, that will impact Federal, State, local, and tribal efforts to combat child exploitation.

(14) Plans for liaisons with the judicial branches of the Federal and State governments on matters relating to child exploitation.

(15) An assessment of Federal investigative and prosecution activity relating to reported incidents of child exploitation crimes, which shall include a number of factors, including—

(A) the number of high-priority suspects (identified because of the volume of suspected criminal activity or because of the danger to the community or a potential victim) who were investigated and prosecuted;

(B) the number of investigations, arrests, prosecutions and convictions for a crime of child exploitation; and

(C) the average sentence imposed and statutory maximum for each crime of child exploitation.

(16) A review of all available statistical data indicating the overall magnitude of child pornography trafficking in the United States and internationally, including—

(A) the number of computers or computer users, foreign and domestic, observed engaging in, or suspected by law enforcement agencies and other sources of engaging in, peer-to-peer file sharing of child pornography;

(B) the number of computers or computer users, foreign and domestic, observed engaging in, or suspected by law enforcement agencies and other reporting sources of engaging in, buying and selling, or other commercial activity related to child pornography;

(C) the number of computers or computer users, foreign and domestic, observed engaging in, or suspected by law enforcement agencies and other sources of engaging in, all other forms of activity related to child pornography;

(D) the number of tips or other statistical data from the National Center for Missing and Exploited Children's CybertTipline and other data indicating the magnitude of child pornography trafficking; and

(E) any other statistical data indicating the type, nature, and extent of child exploitation crime in the United States and abroad.

(17) Copies of recent relevant research and studies related to child exploitation, including—

(A) studies related to the link between possession or trafficking of child pornography and actual abuse of a child;

(B) studies related to establishing a link between the types of files being viewed or shared and the type of illegal activity; and

(C) any other research, studies, and available information related to child exploitation.

(18) A review of the extent of cooperation, coordination, and mutual support between private sector and other entities and organizations and Federal agencies, including the involvement of States, local and tribal government agencies to the extent Federal programs are involved.

(19) The results of the Project Safe Childhood Conference or other conferences or meetings convened by the Department of Justice related to combating child exploitation

(d) APPOINTMENT OF HIGH-LEVEL OFFICIAL.—

(1) IN GENERAL.—The Attorney General shall designate a senior official at the Department of Justice to be responsible for coordinating the development of the National Strategy established under subsection (a).

(2) DUTIES.—The duties of the official designated under paragraph (1) shall include—

(A) acting as a liaison with all Federal agencies regarding the development of the National Strategy;

(B) working to ensure that there is proper coordination among agencies in developing the National Strategy;

(C) being knowledgeable about budget priorities and familiar with all efforts within the Department of Justice and the FBI related to child exploitation prevention and interdiction; and

(D) communicating the National Strategy to Congress and being available to answer questions related to the strategy at congressional hearings, if requested by committees of appropriate jurisdictions, on the contents of the National Strategy and progress of the Department of Justice in implementing the National Strategy.

SEC. 102. ESTABLISHMENT OF NATIONAL ICAC TASK FORCE PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Department of Justice, under the general authority of the Attorney General, a National Internet Crimes Against Children Task Force Program (hereinafter in this title referred to as the ''ICAC Task Force Program''), which shall consist of a national program of State and local law enforcement task forces dedicated to developing effective responses to online enticement of children by sexual predators, child exploitation, and child obscenity and pornography cases.

(2) INTENT OF CONGRESS.—It is the purpose and intent of Congress that the ICAC Task Force Program established under paragraph (1) is intended to continue the ICAC Task Force Program authorized under title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, and funded under title IV of the Juvenile Justice and Delinquency Prevention Act of 1974.

(b) NATIONAL PROGRAM.—

(1) STATE REPRESENTATION.—The ICAC Task Force Program established under subsection (a) shall include at least 1 ICAC task force in each State.

(2) CAPACITY AND CONTINUITY OF INVESTIGATIONS.—In order to maintain established capacity and continuity of investigations and prosecutions of child exploitation cases, the Attorney General, shall, in establishing the ICAC Task Force Program under subsection (a) consult with and consider all 59 task forces in existence on the date of enactment of this Act. The Attorney General shall include all existing ICAC task forces in the ICAC Task Force Program, unless the Attorney General makes a determination that an existing ICAC does not have a proven track record of success.

(3) ONGOING REVIEW.—The Attorney General shall—

(A) conduct periodic reviews of the effectiveness of each ICAC task force established under this section; and

(B) have the discretion to establish a new task force if the Attorney General determines that such decision will enhance the effectiveness of combating child exploitation provided that the Attorney General notifies Congress in advance of any such decision and that each state maintains at least 1 ICAC task force at all times.

(4) TRAINING.—

(A) IN GENERAL.—The Attorney General may establish national training programs to support the mission of the ICAC task forces, including the effective use of the National Internet Crimes Against Children Data System.

(B) LIMITATION.—In establishing training courses under this paragraph, the Attorney General may not award any one entity other than a law enforcement agency more than $2,000,000 annually to establish and conduct training courses for ICAC task force members and other law enforcement officials.

(C) REVIEW.—The Attorney General shall—

(i) conduct periodic reviews of the effectiveness of each training session authorized by this paragraph; and

(ii) consider outside reports related to the effective use of Federal funding in making future grant awards for training.

SEC. 103. PURPOSE OF ICAC TASK FORCES.

The ICAC Task Force Program, and each State or local ICAC task force that is part of the national program of task forces, shall be dedicated toward—

(1) increasing the investigative capabilities of State and local law enforcement officers in the detection, investigation, and apprehension of Internet crimes against children offenses or offenders, including technology-facilitated child exploitation offenses;

(2) conducting proactive and reactive Internet crimes against children investigations;

(3) providing training and technical assistance to ICAC task forces and other Federal, State, and local law enforcement agencies in the areas of investigations, forensics, prosecution, community outreach, and capacity-building, using recognized experts to assist in the development and delivery of training programs;

(4) increasing the number of Internet crimes against children offenses being investigated and prosecuted in both Federal and State courts;

(5) creating a multiagency task force response to Internet crimes against children offenses within each State;

(6) participating in the Department of Justice's Project Safe Childhood initiative, the purpose of which is to combat technology-facilitated sexual exploitation crimes against children;

(7) enhancing nationwide responses to Internet crimes against children offenses, including assisting other ICAC task forces, as well as other Federal, State, and local agencies with Internet crimes against children investigations and prosecutions;

(8) developing and delivering Internet crimes against children public awareness and prevention programs; and

(9) participating in such other activities, both proactive and reactive, that will enhance investigations and prosecutions of Internet crimes against children.

SEC. 104. DUTIES AND FUNCTIONS OF TASK FORCES.

Each State or local ICAC task force that is part of the national program of task forces shall—

(1) consist of State and local investigators, prosecutors, forensic specialists, and education specialists who are dedicated to addressing the goals of such task force;

(2) work consistently toward achieving the purposes described in section 103;

(3) engage in proactive investigations, forensic examinations, and effective prosecutions of Internet crimes against children;

(4) provide forensic, preventive, and investigative assistance to parents, educators, prosecutors, law enforcement, and others concerned with Internet crimes against children;

(5) develop multijurisdictional, multiagency responses and partnerships to Internet crimes against children offenses through ongoing informational, administrative, and technological support to other State and local law enforcement agencies, as a means for such agencies to acquire the necessary knowledge, personnel, and specialized equipment to investigate and prosecute such offenses;

(6) participate in nationally coordinated investigations in any case in which the Attorney General determines such participation to be necessary, as permitted by the available resources of such task force;

(7) establish or adopt investigative and prosecution standards, consistent with established norms, to which such task force shall comply;

(8) investigate, and seek prosecution on, tips related to Internet crimes against children, including tips from Operation Fairplay, the National Internet Crimes Against Children Data System established in section 105, the National Center for Missing and Exploited Children's CyberTipline, ICAC task forces, and other Federal, State, and local agencies, with priority being given to investigative leads that indicate the possibility of identifying or rescuing child victims, including investigative leads that indicate a likelihood of seriousness of offense or dangerousness to the community;

(9) develop procedures for handling seized evidence;

(10) maintain—

(A) such reports and records as are required under this title; and

(B) such other reports and records as determined by the Attorney General; and

(11) seek to comply with national standards regarding the investigation and prosecution of Internet crimes against children, as set forth by the Attorney General, to the extent such standards are consistent with the law of the State where the task force is located.

SEC. 105. NATIONAL INTERNET CRIMES AGAINST CHILDREN DATA SYSTEM.

(a) IN GENERAL.—The Attorney General shall establish, consistent with all existing Federal laws relating to the protection of privacy, a National Internet Crimes Against Children Data System. The system shall not be used to search for or obtain any information that does not involve the use of the Internet to facilitate child exploitation.

(b) INTENT OF CONGRESS.—It is the purpose and intent of Congress that the National Internet Crimes Against Children Data System established in subsection (a) is intended to continue and build upon Operation Fairplay developed by the Wyoming Attorney General's office, which has established a secure, dynamic undercover infrastructure that has facilitated online law enforcement investigations of child exploitation, information sharing, and the capacity to collect and aggregate data on the extent of the problems of child exploitation.

(c) PURPOSE OF SYSTEM.—The National Internet Crimes Against Children Data System established under subsection (a) shall be dedicated to assisting and supporting credentialed law enforcement agencies authorized to investigate child exploitation in accordance with Federal, State, local, and tribal laws, including by providing assistance and support to—

(1) Federal agencies investigating and prosecuting child exploitation;

(2) the ICAC Task Force Program established under section 102;

(3) State, local, and tribal agencies investigating and prosecuting child exploitation; and

(4) foreign or international law enforcement agencies, subject to approval by the Attorney General.

(d) CYBER SAFE DECONFLICTION AND INFORMATION SHARING.—The National Internet Crimes Against Children Data System established under subsection (a)—

(1) shall be housed and maintained within the Department of Justice or a credentialed law enforcement agency;

(2) shall be made available for a nominal charge to support credentialed law enforcement agencies in accordance with subsection (c); and

(3) shall—

(A) allow Federal, State, local, and tribal agencies and ICAC task forces investigating and prosecuting child exploitation to contribute and access data for use in resolving case conflicts;

(B) provide, directly or in partnership with a credentialed law enforcement agency, a dynamic undercover infrastructure to facilitate online law enforcement investigations of child exploitation;

(C) facilitate the development of essential software and network capability for law enforcement participants; and

(D) provide software or direct hosting and support for online investigations of child exploitation activities, or, in the alternative, provide users with a secure connection to an alternative system that provides such capabilities, provided that the system is hosted within a governmental agency or a credentialed law enforcement agency.

(e) COLLECTION AND REPORTING OF DATA.—

(1) IN GENERAL.—The National Internet Crimes Against Children Data System established under subsection (a) shall ensure the following:

(A) REAL-TIME REPORTING.—All child exploitation cases involving local child victims that are reasonably detectable using available software and data are, immediately upon their detection, made available to participating law enforcement agencies.

(B) HIGH-PRIORITY SUSPECTS.—Every 30 days, at minimum, the National Internet Crimes Against Children Data System shall—

(i) identify high-priority suspects, as such suspects are determined by the volume of suspected criminal activity or other indicators of seriousness of offense or dangerousness to the community or a potential local victim; and

(ii) report all such identified high-priority suspects to participating law enforcement agencies.

(C) ANNUAL REPORTS.—Any statistical data indicating the overall magnitude of child pornography trafficking and child exploitation in the United States and internationally is made available and included in the National Strategy, as is required under section 101(c)(16).

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the ability of participating law enforcement agencies to disseminate investigative leads or statistical information in accordance with State and local laws.

(f) MANDATORY REQUIREMENTS OF NETWORK.—The National Internet Crimes Against Children Data System established under subsection (a) shall develop, deploy, and maintain an integrated technology and training program that provides—

(1) a secure, online system for Federal law enforcement agencies, ICAC task forces, and other State, local, and tribal law enforcement agencies for use in resolving case conflicts, as provided in subsection (d);

(2) a secure system enabling online communication and collaboration by Federal law enforcement agencies, ICAC task forces, and other State, local, and tribal law enforcement agencies regarding ongoing investigations, investigatory techniques, best practices, and any other relevant news and professional information;

(3) a secure online data storage and analysis system for use by Federal law enforcement agencies, ICAC task forces, and other State, local, and tribal law enforcement agencies;

(4) secure connections or interaction with State and local law enforcement computer networks, consistent with reasonable and established security protocols and guidelines;

(5) guidelines for use of the National Internet Crimes Against Children Data System by Federal, State, local, and tribal law enforcement agencies and ICAC task forces; and

(6) training and technical assistance on the use of the National Internet Crimes Against Children Data System by Federal, State, local, and tribal law enforcement agencies and ICAC task forces.

(g) NATIONAL INTERNET CRIMES AGAINST CHILDREN DATA SYSTEM STEERING COMMITTEE.—The Attorney General shall establish a National Internet Crimes Against Children Data System Steering Committee to provide guidance to the Network relating to the program under subsection (f), and to assist in the development of strategic plans for the System. The Steering Committee shall consist of 10 members with expertise in child exploitation prevention and interdiction prosecution, investigation, or prevention, including—

(1) 3 representatives elected by the local directors of the ICAC task forces, such representatives shall represent different geographic regions of the country;

(2) 1 representative of the Department of Justice Office of Information Services;

(3) 1 representative from Operation Fairplay, currently hosted at the Wyoming Office of the Attorney General;

(4) 1 representative from the law enforcement agency having primary responsibility for hosting and maintaining the National Internet Crimes Against Children Data System;

(5) 1 representative of the Federal Bureau of Investigation's Innocent Images National Initiative or Regional Computer Forensic Lab program;

(6) 1 representative of the Immigration and Customs Enforcement's Cyber Crimes Center;

(7) 1 representative of the United States Postal Inspection Service; and

(8) 1 representative of the Department of Justice.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 2009 through 2016, $2,000,000 to carry out the provisions of this section.

SEC. 106. ICAC GRANT PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Attorney General is authorized to award grants to State and local ICAC task forces to assist in carrying out the duties and functions described under section 104.

(2) FORMULA GRANTS.—

(A) DEVELOPMENT OF FORMULA.—At least 75 percent of the total funds appropriated to carry out this section shall be available to award or otherwise distribute grants pursuant to a funding formula established by the Attorney General in accordance with the requirements in subparagraph (B).

(B) FORMULA REQUIREMENTS.—Any formula established by the Attorney General under subparagraph (A) shall—

(i) ensure that each State or local ICAC task force shall, at a minimum, receive an amount equal to 0.5 percent of the funds available to award or otherwise distribute grants under subparagraph (A); and

(ii) take into consideration the following factors:

(I) The population of each State, as determined by the most recent decennial census performed by the Bureau of the Census.

(II) The number of investigative leads within the applicant's jurisdiction generated by Operation Fairplay, the ICAC Data Network, the CyberTipline, and other sources.

(III) The number of criminal cases related to Internet crimes against children referred to a task force for Federal, State, or local prosecution.

(IV) The number of successful prosecutions of child exploitation cases by a task force.

(V) The amount of training, technical assistance, and public education or outreach by a task force related to the prevention, investigation, or prosecution of child exploitation offenses.

(VI) Such other criteria as the Attorney General determines demonstrate the level of need for additional resources by a task force.

(3) DISTRIBUTION OF REMAINING FUNDS BASED ON NEED.—

(A) IN GENERAL.—Any funds remaining from the total funds appropriated to carry out this section after funds have been made available to award or otherwise distribute formula grants under paragraph (2)(A) shall be distributed to State and local ICAC task forces based upon need, as set forth by criteria established by the Attorney General. Such criteria shall include the factors under paragraph (2)(B)(ii).

(B) MATCHING REQUIREMENT.—A State or local ICAC task force shall contribute matching non-Federal funds in an amount equal to not less than 25 percent of the amount of funds received by the State or local ICAC task force under subparagraph (A). A State or local ICAC task force that is not able or willing to contribute matching funds in accordance with this subparagraph shall not be eligible for funds under subparagraph (A).

(C) WAIVER.—The Attorney General may waive, in whole or in part, the matching requirement under subparagraph (B) if the State or local ICAC task force demonstrates good cause or financial hardship.

(b) APPLICATION.—

(1) IN GENERAL.—Each State or local ICAC task force seeking a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this title.

(c) ALLOWABLE USES.—Grants awarded under this section may be used to—

(1) hire personnel, investigators, prosecutors, education specialists, and forensic specialists;

(2) establish and support forensic laboratories utilized in Internet crimes against children investigations;

(3) support investigations and prosecutions of Internet crimes against children;

(4) conduct and assist with education programs to help children and parents protect themselves from Internet predators;

(5) conduct and attend training sessions related to successful investigations and prosecutions of Internet crimes against children; and

(6) fund any other activities directly related to preventing, investigating, or prosecuting Internet crimes against children.

(d) REPORTING REQUIREMENTS.—

(1) ICAC REPORTS.—To measure the results of the activities funded by grants under this section, and to assist the Attorney General in complying with the Government Performance and Results Act (Public Law 103–62; 107 Stat. 285), each State or local ICAC task force receiving a grant under this section shall, on an annual basis, submit a report to the Attorney General that sets forth the following:

(A) Staffing levels of the task force, including the number of investigators, prosecutors, education specialists, and forensic specialists dedicated to investigating and prosecuting Internet crimes against children.

(B) Investigation and prosecution performance measures of the task force, including—

(i) the number of investigations initiated related to Internet crimes against children;

(ii) the number of arrests related to Internet crimes against children; and

(iii) the number of prosecutions for Internet crimes against children, including—

(I) whether the prosecution resulted in a conviction for such crime; and

(II) the sentence and the statutory maximum for such crime under State law.

(C) The number of referrals made by the task force to the United States Attorneys office, including whether the referral was accepted by the United States Attorney.

(D) Statistics that account for the disposition of investigations that do not result in arrests or prosecutions, such as referrals to other law enforcement.

(E) The number of investigative technical assistance sessions that the task force provided to nonmember law enforcement agencies.

(F) The number of computer forensic examinations that the task force completed.

(G) The number of law enforcement agencies participating in Internet crimes against children program standards established by the task force.

(2) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit a report to Congress on—

(A) the progress of the development of the ICAC Task Force Program established under section 102; and

(B) the number of Federal and State investigations, prosecutions, and convictions in the prior 12-month period related to child exploitation.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

(1) $60,000,000 for fiscal year 2009;

(2) $60,000,000 for fiscal year 2010;

(3) $60,000,000 for fiscal year 2011;

(4) $60,000,000 for fiscal year 2012; and

(5) $60,000,000 for fiscal year 2013.

(b) AVAILABILITY.—Funds appropriated under subsection (a) shall remain available until expended.

TITLE II—ADDITIONAL MEASURES TO COMBAT CHILD EXPLOITATION

SEC. 201. ADDITIONAL REGIONAL COMPUTER FORENSIC LABS.

(a) ADDITIONAL RESOURCES.—The Attorney General shall establish additional computer forensic capacity to address the current backlog for computer forensics, including for child exploitation investigations. The Attorney General may utilize funds under this title to increase capacity at existing regional forensic laboratories or to add laboratories under the Regional Computer Forensic Laboratories Program operated by the Federal Bureau of Investigation.

(b) PURPOSE OF NEW RESOURCES.—The additional forensic capacity established by resources provided under this section shall be dedicated to assist Federal agencies, State and local Internet Crimes Against Children task forces, and other Federal, State, and local law enforcement agencies in preventing, investigating, and prosecuting Internet crimes against children.

(c) NEW COMPUTER FORENSIC LABS.—If the Attorney General determines that new regional computer forensic laboratories are required under subsection (a) to best address existing backlogs, such new laboratories shall be established pursuant to subsection (d).

(d) LOCATION OF NEW LABS.—The location of any new regional computer forensic laboratories under this section shall be determined by the Attorney General, in consultation with the Director of the Federal Bureau of Investigation, the Regional Computer Forensic Laboratory National Steering Committee, and other relevant stakeholders.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, and every year thereafter, the Attorney General shall submit a report to the Congress on how the funds appropriated under this section were utilized.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years 2009 through 2013, $2,000,000 to carry out the provisions of this section.

TITLE III—EFFECTIVE CHILD PORNOGRAPHY PROSECUTION

SEC. 301. PROHIBIT THE BROADCAST OF LIVE IMAGES OF CHILD ABUSE.

Section 2251 of title 18, United States Code is amended—

(1) in subsection (a), by—

(A) inserting ''or for the purpose of transmitting a live visual depiction of such conduct'' after ''for the purpose of producing any visual depiction of such conduct'';

(B) inserting ''or transmitted'' after ''if such person knows or has reason to know that such visual depiction will be transported'';

(C) inserting ''or transmitted'' after ''if that visual depiction was produced''; and

(D) inserting ''or transmitted'' after ''has actually been transported''; and

(2) in subsection (b), by—

(A) inserting ''or for the purpose of transmitting a live visual depiction of such conduct'' after ''for the purpose of producing any visual depiction of such conduct'';

(B) inserting ''or transmitted'' after ''person knows or has reason to know that such visual depiction will be transported'';

(C) inserting ''or transmitted'' after ''if that visual depiction was produced''; and

(D) inserting ''or transmitted'' after ''has actually been transported''.

SEC. 302. AMENDMENT TO SECTION 2256 OF TITLE 18, UNITED STATES CODE.

Section 2256(5) of title 18, United States Code is amended by—

(1) striking ''and'' before ''data'';

(2) after ''visual image'' by inserting '', and data which is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format''.

SEC. 303. AMENDMENT TO SECTION 2260 OF TITLE 18, UNITED STATES CODE.

Section 2260(a) of title 18, United States Code, is amended by—

(1) inserting ''or for the purpose of transmitting a live visual depiction of such conduct'' after ''for the purpose of producing any visual depiction of such conduct''; and

(2) inserting ''or transmitted'' after ''imported''.

SEC. 304. PROHIBITING THE ADAPTATION OR MODIFICATION OF AN IMAGE OF AN IDENTIFIABLE MINOR TO PRODUCE CHILD PORNOGRAPHY.

(a) OFFENSE.—Subsection (a) of section 2252A of title 18, United States Code, is amended—

(1) in paragraph (5), by striking ''; or'' at the end and inserting a semicolon;

(2) in paragraph (6), by striking the period at the end and inserting ''; or''; and

(3) by inserting after paragraph (6) the following:

''(7) knowingly produces with intent to distribute, or distributes, by any means, including a computer, in or affecting interstate or foreign commerce, child pornography that is an adapted or modified depiction of an identifiable minor.''.

(b) PUNISHMENT.—Subsection (b) of section 2252A of title 18, United States Code, is amended by adding at the end the following:

''(3) Whoever violates, or attempts or conspires to violate, subsection (a)(7) shall be fined under this title or imprisoned not more than 15 years, or both.''.

TITLE IV—NATIONAL INSTITUTE OF JUSTICE STUDY OF RISK FACTORS

SEC. 401. NIJ STUDY OF RISK FACTORS FOR ASSESSING DANGEROUSNESS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the National Institute of Justice shall prepare a report to identify investigative factors that reliably indicate whether a subject of an online child exploitation investigation poses a high risk of harm to children. Such a report shall be prepared in consultation and coordination with Federal law enforcement agencies, the National Center for Missing and Exploited Children, Operation Fairplay at the Wyoming Attorney General's Office, the Internet Crimes Against Children Task Force, and other State and local law enforcement.

(b) CONTENTS OF ANALYSIS.—The report required by subsection (a) shall include a thorough analysis of potential investigative factors in on-line child exploitation cases and an appropriate examination of investigative data from prior prosecutions and case files of identified child victims.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the National Institute of Justice shall submit a report to the House and Senate Judiciary Committees that includes the findings of the study required by this section and makes recommendations on technological tools and law enforcement procedures to help investigators prioritize scarce resources to those cases where there is actual hands-on abuse by the suspect.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 to the National Institute of Justice to conduct the study required under this section.

TITLE V—SECURING ADOLESCENTS FROM ONLINE EXPLOITATION

SEC. 501. REPORTING REQUIREMENTS OF ELECTRONIC COMMUNICATION SERVICE PROVIDERS AND REMOTE COMPUTING SERVICE PROVIDERS.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by inserting after section 2258 the following:

''SEC. 2258A. REPORTING REQUIREMENTS OF ELECTRONIC COMMUNICATION SERVICE PROVIDERS AND REMOTE COMPUTING SERVICE PROVIDERS.

''(a) DUTY TO REPORT.—

''(1) IN GENERAL.—Whoever, while engaged in providing an electronic communication service or a remote computing service to the public through a facility or means of interstate or foreign commerce, obtains actual knowledge of any facts or circumstances described in paragraph (2) shall, as soon as reasonably possible—

''(A) provide to the CyberTipline of the National Center for Missing and Exploited Children, or any successor to the CyberTipline operated by such center, the mailing address, telephone number, facsimile number, electronic mail address of, and individual point of contact for, such electronic communication service provider or remote computing service provider; and

''(B) make a report of such facts or circumstances to the CyberTipline, or any successor to the CyberTipline operated by such center.

''(2) FACTS OR CIRCUMSTANCES.—The facts or circumstances described in this paragraph are any facts or circumstances from which there is an apparent violation of—

''(A) section 2251, 2251A, 2252, 2252A, 2252B, or 2260 that involves child pornography; or

''(B) section 1466A.

''(b) CONTENTS OF REPORT.—To the extent the information is within the custody or control of an electronic communication service provider or a remote computing service provider, the facts and circumstances included in each report under subsection (a)(1) may include the following information:

''(1) INFORMATION ABOUT THE INVOLVED INDIVIDUAL.—Information relating to the identity of any individual who appears to have violated a Federal law described in subsection (a)(2), which may, to the extent reasonably practicable, include the electronic mail address, Internet Protocol address, uniform resource locator, or any other identifying information, including self-reported identifying information.

''(2) HISTORICAL REFERENCE.—Information relating to when and how a customer or subscriber of an electronic communication service or a remote computing service uploaded, transmitted, or received apparent child pornography or when and how apparent child pornography was reported to, or discovered by the electronic communication service provider or remote computing service provider, including a date and time stamp and time zone.

''(3) GEOGRAPHIC LOCATION INFORMATION.—

''(A) IN GENERAL.—Information relating to the geographic location of the involved individual or website, which may include the Internet Protocol address or verified billing address, or, if not reasonably available, at least 1 form of geographic identifying information, including area code or zip code.

''(B) INCLUSION.—The information described in subparagraph (A) may also include any geographic information provided to the electronic communication service or remote computing service by the customer or subscriber.

''(4) IMAGES OF APPARENT CHILD PORNOGRAPHY.—Any image of apparent child pornography relating to the incident such report is regarding.

''(5) COMPLETE COMMUNICATION.—The complete communication containing any image of apparent child pornography, including—

''(A) any data or information regarding the transmission of the communication; and

''(B) any images, data, or other digital files contained in, or attached to, the communication.

''(c) FORWARDING OF REPORT TO LAW ENFORCEMENT.—

''(1) IN GENERAL.—The National Center for Missing and Exploited Children shall forward each report made under subsection (a)(1) to any appropriate law enforcement agency designated by the Attorney General under subsection (d)(2).

''(2) STATE AND LOCAL LAW ENFORCEMENT.—The National Center for Missing and Exploited Children may forward any report made under subsection (a)(1) to an appropriate law enforcement official of a State or political subdivision of a State for the purpose of enforcing State criminal law.

''(3) FOREIGN LAW ENFORCEMENT.—

''(A) IN GENERAL.—The National Center for Missing and Exploited Children may forward any report made under subsection (a)(1) to any appropriate foreign law enforcement agency designated by the Attorney General under subsection (d)(3), subject to the conditions established by the Attorney General under subsection (d)(3).

''(B) TRANSMITTAL TO DESIGNATED FEDERAL AGENCIES.—If the National Center for Missing and Exploited Children forwards a report to a foreign law enforcement agency under subparagraph (A), the National Center for Missing and Exploited Children shall concurrently provide a copy of the report and the identity of the foreign law enforcement agency to—

''(i) the Attorney General; or

''(ii) the Federal law enforcement agency or agencies designated by the Attorney General under subsection (d)(2).

''(d) ATTORNEY GENERAL RESPONSIBILITIES.—

''(1) IN GENERAL.—The Attorney General shall enforce this section.

''(2) DESIGNATION OF FEDERAL AGENCIES.—The Attorney General shall designate promptly the Federal law enforcement agency or agencies to which a report shall be forwarded under subsection (c)(1).

''(3) DESIGNATION OF FOREIGN AGENCIES.—The Attorney General shall promptly—

''(A) in consultation with the Secretary of State, designate the foreign law enforcement agencies to which a report may be forwarded under subsection (c)(3);

''(B) establish the conditions under which such a report may be forwarded to such agencies; and

''(C) develop a process for foreign law enforcement agencies to request assistance from Federal law enforcement agencies in obtaining evidence related to a report referred under subsection (c)(3).

''(4) REPORTING DESIGNATED FOREIGN AGENCIES.—The Attorney General shall maintain and make available to the Department of State, the National Center for Missing and Exploited Children, electronic communication service providers, remote computing service providers, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a list of the foreign law enforcement agencies designated under paragraph (3).

''(5) SENSE OF CONGRESS REGARDING DESIGNATION OF FOREIGN AGENCIES.—It is the sense of Congress that—

''(A) combating the international manufacturing, possession, and trade in online child pornography requires cooperation with competent, qualified, and appropriately trained foreign law enforcement agencies; and

''(B) the Attorney General, in cooperation with the Secretary of State, should make a substantial effort to expand the list of foreign agencies designated under paragraph (3).

''(6) NOTIFICATION TO PROVIDERS.—If an electronic communication service provider or remote computing service provider notifies the National Center for Missing and Exploited Children that the electronic communication service provider or remote computing service provider is making a report under this section as the result of a request by a foreign law enforcement agency, the National Center for Missing and Exploited Children shall—

''(A) if the Center forwards the report to the requesting foreign law enforcement agency or another agency in the same country designated by the Attorney General under paragraph (3), notify the electronic communication service provider or remote computing service provider of—

''(i) the identity of the foreign law enforcement agency to which the report was forwarded; and

''(ii) the date on which the report was forwarded; or

''(B) notify the electronic communication service provider or remote computing service provider if the Center declines to forward the report because the Center, in consultation with the Attorney General, determines that no law enforcement agency in the foreign country has been designated by the Attorney General under paragraph (3).

''(e) FAILURE TO REPORT.—An electronic communication service provider or remote computing service provider that knowingly and willfully fails to make a report required under subsection (a)(1) shall be fined—

''(1) in the case of an initial knowing and willful failure to make a report, not more than $150,000; and

''(2) in the case of any second or subsequent knowing and willful failure to make a report, not more than $300,000.

''(f) PROTECTION OF PRIVACY.—Nothing in this section shall be construed to require an electronic communication service provider or a remote computing service provider to—

''(1) monitor any user, subscriber, or customer of that provider;

''(2) monitor the content of any communication of any person described in paragraph (1); or

''(3) affirmatively seek facts or circumstances described in sections (a) and (b).

''(g) CONDITIONS OF DISCLOSURE INFORMATION CONTAINED WITHIN REPORT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a law enforcement agency that receives a report under subsection (c) shall not disclose any information contained in that report.

''(2) PERMITTED DISCLOSURES BY LAW ENFORCEMENT.—

''(A) IN GENERAL.—A law enforcement agency may disclose information in a report received under subsection (c)—

''(i) to an attorney for the government for use in the performance of the official duties of that attorney;

''(ii) to such officers and employees of that law enforcement agency, as may be necessary in the performance of their investigative and recordkeeping functions;

''(iii) to such other government personnel (including personnel of a State or subdivision of a State) as are determined to be necessary by an attorney for the government to assist the attorney in the performance of the official duties of the attorney in enforcing Federal criminal law;

''(iv) if the report discloses a violation of State criminal law, to an appropriate official of a State or subdivision of a State for the purpose of enforcing such State law;

''(v) to a defendant in a criminal case or the attorney for that defendant, subject to the terms and limitations under section 3509(m) or a similar State law, to the extent the information relates to a criminal charge pending against that defendant;

''(vi) subject to subparagraph (B), to an electronic communication service provider or remote computing provider if necessary to facilitate response to legal process issued in connection to a criminal investigation, prosecution, or post-conviction remedy relating to that report; and

''(vii) as ordered by a court upon a showing of good cause and pursuant to any protective orders or other conditions that the court may impose.

''(B) LIMITATIONS.—

''(i) LIMITATIONS ON FURTHER DISCLOSURE.—The electronic communication service provider or remote computing service provider shall be prohibited from disclosing the contents of a report provided under subparagraph (A)(vi) to any person, except as necessary to respond to the legal process.

''(ii) EFFECT.—Nothing in subparagraph (A)(vi) authorizes a law enforcement agency to provide child pornography images to an electronic communications service provider or a remote computing service.

''(3) PERMITTED DISCLOSURES BY THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—The National Center for Missing and Exploited Children may disclose information received in a report under subsection (a) only—

''(A) to any Federal law enforcement agency designated by the Attorney General under subsection (d)(2);

''(B) to any State, local, or tribal law enforcement agency involved in the investigation of child pornography, child exploitation, kidnapping, or enticement crimes;

''(C) to any foreign law enforcement agency designated by the Attorney General under subsection (d)(3); and

''(D) to an electronic communication service provider or remote computing service provider as described in section 2258C.

''(h) PRESERVATION.—

''(1) IN GENERAL.—For the purposes of this section, the notification to an electronic communication service provider or a remote computing service provider by the CyberTipline of receipt of a report under subsection (a)(1) shall be treated as a request to preserve, as if such request was made pursuant to section 2703(f).

''(2) PRESERVATION OF REPORT.—Pursuant to paragraph (1), an electronic communication service provider or a remote computing service shall preserve the contents of the report provided pursuant to subsection (b) for 90 days after such notification by the CyberTipline.

''(3) PRESERVATION OF COMMINGLED IMAGES.—Pursuant to paragraph (1), an electronic communication service provider or a remote computing service shall preserve any images, data, or other digital files that are commingled or interspersed among the images of apparent child pornography within a particular communication or user-created folder or directory.

''(4) PROTECTION OF PRESERVED MATERIALS.—An electronic communications service or remote computing service preserving materials under this section shall maintain the materials in a secure location and take appropriate steps to limit access by agents or employees of the service to the materials to that access necessary to comply with the requirements of this subsection.

''(5) AUTHORITIES AND DUTIES NOT AFFECTED.—Nothing in this section shall be construed as replacing, amending, or otherwise interfering with the authorities and duties under section 2703.

''SEC. 2258B. LIMITED LIABILITY FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS, REMOTE COMPUTING SERVICE PROVIDERS, OR DOMAIN NAME REGISTRAR.

''(a) IN GENERAL.—Except as provided in subsection (b), a civil claim or criminal charge against an electronic communication service provider, a remote computing service provider, or domain name registrar, including any director, officer, employee, or agent of such electronic communication service provider, remote computing service provider, or domain name registrar arising from the performance of the reporting or preservation responsibilities of such electronic communication service provider, remote computing service provider, or domain name registrar under this section, section 2258A, or section 2258C may not be brought in any Federal or State court.

''(b) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Subsection (a) shall not apply to a claim if the electronic communication service provider, remote computing service provider, or domain name registrar, or a director, officer, employee, or agent of that electronic communication service provider, remote computing service provider, or domain name registrar—

''(1) engaged in intentional misconduct; or

''(2) acted, or failed to act—

''(A) with actual malice;

''(B) with reckless disregard to a substantial risk of causing physical injury without legal justification; or

''(C) for a purpose unrelated to the performance of any responsibility or function under this section, sections 2258A, 2258C, 2702, or 2703.

''(c) MINIMIZING ACCESS.—An electronic communication service provider, a remote computing service provider, and domain name registrar shall—

''(1) minimize the number of employees that are provided access to any image provided under section 2258A or 2258C; and

''(2) ensure that any such image is permanently destroyed, upon a request from a law enforcement agency to destroy the image.

''SEC. 2258C. USE TO COMBAT CHILD PORNOGRAPHY OF TECHNICAL ELEMENTS RELATING TO IMAGES REPORTED TO THE CYBERTIPLINE.

''(a) ELEMENTS.—

''(1) IN GENERAL.—The National Center for Missing and Exploited Children may provide elements relating to any apparent child pornography image of an identified child to an electronic communication service provider or a remote computing service provider for the sole and exclusive purpose of permitting that electronic communication service provider or remote computing service provider to stop the further transmission of images.

''(2) INCLUSIONS.—The elements authorized under paragraph (1) may include hash values or other unique identifiers associated with a specific image, Internet location of images, and other technological elements that can be used to identify and stop the transmission of child pornography.

''(3) EXCLUSION.—The elements authorized under paragraph (1) may not include the actual images.

''(b) USE BY ELECTRONIC COMMUNICATION SERVICE PROVIDERS AND REMOTE COMPUTING SERVICE PROVIDERS.—Any electronic communication service provider or remote computing service provider that receives elements relating to any apparent child pornography image of an identified child from the National Center for Missing and Exploited Children under this section may use such information only for the purposes described in this section, provided that such use shall not relieve that electronic communication service provider or remote computing service

provider from its reporting obligations under section 2258A.

''(c) LIMITATIONS.—Nothing in subsections (a) or (b) requires electronic communication service providers or remote computing service providers receiving elements relating to any apparent child pornography image of an identified child from the National Center for Missing and Exploited Children to use the elements to stop the further transmission of the images.

''(d) PROVISION OF ELEMENTS TO LAW ENFORCEMENT.—The National Center for Missing and Exploited Children shall make available to Federal, State, and local law enforcement involved in the investigation of child pornography crimes elements, including hash values, relating to any apparent child pornography image of an identified child reported to the National Center for Missing and Exploited Children.

''(e) USE BY LAW ENFORCEMENT.—Any Federal, State, or local law enforcement agency that receives elements relating to any apparent child pornography image of an identified child from the National Center for Missing and Exploited Children under section (d) may use such elements only in the performance of the official duties of that agency to investigate child pornography crimes.

''SEC. 2258D. LIMITED LIABILITY FOR THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

''(a) IN GENERAL.—Except as provided in subsections (b) and (c), a civil claim or criminal charge against the National Center for Missing and Exploited Children, including any director, officer, employee, or agent of such center, arising from the performance of the CyberTipline responsibilities or functions of such center, as described in this section, section 2258A or 2258C of this title, or section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773), or from the effort of such center to identify child victims may not be brought in any Federal or State court.

''(b) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Subsection (a) shall not apply to a claim or charge if the National Center for Missing and Exploited Children, or a director, officer, employee, or agent of such center—

''(1) engaged in intentional misconduct; or

''(2) acted, or failed to act—

''(A) with actual malice;

''(B) with reckless disregard to a substantial risk of causing injury without legal justification; or

''(C) for a purpose unrelated to the performance of any responsibility or function under this section, section 2258A or 2258C of this title, or section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773).

''(c) ORDINARY BUSINESS ACTIVITIES.—Subsection (a) shall not apply to an act or omission relating to an ordinary business activity, including general administration or operations, the use of motor vehicles, or personnel management.

''(d) MINIMIZING ACCESS.—The National Center for Missing and Exploited Children shall—

''(1) minimize the number of employees that are provided access to any image provided under section 2258A; and

''(2) ensure that any such image is permanently destroyed upon notification from a law enforcement agency.

''SEC. 2258E. DEFINITIONS.

''In sections 2258A through 2258D—

''(1) the terms 'attorney for the government' and 'State' have the meanings given those terms in rule 1 of the Federal Rules of Criminal Procedure;

''(2) the term 'electronic communication service' has the meaning given that term in section 2510;

''(3) the term 'electronic mail address' has the meaning given that term in section 3 of the CAN-SPAM Act of 2003 (15 U.S.C. 7702);

''(4) the term 'Internet' has the meaning given that term in section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note);

''(5) the term 'remote computing service' has the meaning given that term in section 2711; and

''(6) the term 'website' means any collection of material placed in a computer server-based file archive so that it is publicly accessible, over the Internet, using hypertext transfer protocol or any successor protocol.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) REPEAL OF SUPERCEDED PROVISION.—Section 227 of the Crime Control Act of 1990 (42 U.S.C. 13032) is repealed.

(2) TECHNICAL CORRECTIONS.—Section 2702 of title 18, United States Code, is amended—

(A) in subsection (b)(6), by striking ''section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032)'' and inserting ''section 2258A''; and

(B) in subsection (c)(5), by striking ''section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032)'' and inserting ''section 2258A''.

(3) TABLE OF SECTIONS.—The table of sections for chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2258 the following:

''2258A. Reporting requirements of electronic communication service providers and remote computing service providers.

''2258B. Limited liability for electronic communication service providers and remote computing service providers.

''2258C. Use to combat child pornography of technical elements relating to images reported to the CyberTipline.

''2258D. Limited liability for the National Center for Missing and Exploited Children.

''2258E. Definitions.''.

SEC. 502. REPORTS.

(a) ATTORNEY GENERAL REPORT ON IMPLEMENTATION, INVESTIGATIVE METHODS AND INFORMATION SHARING.—Not later than 12 months after the date of enactment of this Act, the Attorney General shall submit a report to the Committee on the Judiciary of Senate and the Committee on the Judiciary of the House of Representatives on —

(1) the structure established in this Act, including the respective functions of the National Center for Missing and Exploited Children, Department of Justice, and other entities that participate in information sharing under this Act;

(2) an assessment of the legal and constitutional implications of such structure;

(3) the privacy safeguards contained in the reporting requirements, including the training, qualifications, recruitment and screening of all Federal and non-Federal personnel implementing this Act; and

(4) information relating to the aggregate number of incidents reported under section 2258A(b) of title 18, United States Code, to Federal and State law enforcement agencies based on the reporting requirements under this Act and the aggregate number of times that elements are provided to communication service providers under section 2258C of such title.

(b) GAO AUDIT AND REPORT ON EFFICIENCY AND EFFECTIVENESS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall conduct an audit and submit a report to the Committee on the Judiciary of the Senate and to the Committee on the Judiciary of the House of Representatives on—

(1) the efforts, activities, and actions of the CyberTipline of the National Center for Missing and Exploited Children, or any successor to the CyberTipline, and the Attorney General in achieving the goals and purposes of this Act, as well as in carrying out any responsibilities or duties assigned to each such individual or agency under this Act;

(2) any legislative, administrative, or regulatory changes that the Comptroller General recommends be taken by or on behalf of the Attorney General to better achieve such goals and purposes, and to more effectively carry out such responsibilities and duties;

(3) the effectiveness of any actions taken and efforts made by the CyberTipline of the National Center for Missing and Exploited Children, or any successor to the CyberTipline and the Attorney General to—

(A) minimize duplicating the efforts, materials, facilities, and procedures of any other Federal agency responsible for the enforcement, investigation, or prosecution of child pornography crimes; and

(B) enhance the efficiency and consistency with which Federal funds and resources are expended to enforce, investigate, or prosecute child pornography crimes , including the use of existing personnel, materials, technologies, and facilities; and

(4) any actions or efforts that the Comptroller General recommends be taken by the Attorney General to reduce duplication of efforts and increase the efficiency and consistency with which Federal funds and resources are expended to enforce, investigate, or prosecute child pornography crimes.

SEC. 503. SEVERABILITY.

If any provision of this title or amendment made by this title is held to be unconstitutional, the remainder of the provisions of this title or amendments made by this title—

(1) shall remain in full force and effect; and

(2) shall not be affected by the holding.

SA 5651. Mr. DURBIN (for Mr. BIDEN) proposed an amendment to the bill S. 1738, to require the Department of Justice to develop and implement a National Strategy Child Exploitation Prevention and Interdiction, 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 child predators; as follows:

Amend the title so as to read: ''To require the Department of Justice to develop and implement a National Strategy Child Exploitation Prevention and Interdiction, 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 child predators.''.

SA 5652. Mr. DURBIN (for Mr. LEAHY) proposed an amendment to the bill S. 2982, to amend the Runaway and Homeless Youth Act to authorize appropriations, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Reconnecting Homeless Youth Act of 2008''.

SEC. 2. FINDINGS.

Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) services to such young people should be developed and provided using a positive youth development approach that ensures a young person a sense of—

''(A) safety and structure;

''(B) belonging and membership;

''(C) self-worth and social contribution;

''(D) independence and control over one's life; and

''(E) closeness in interpersonal relationships.''.

SEC. 3. BASIC CENTER PROGRAM.

(a) SERVICES PROVIDED.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) in subsection (a)(2)(B), by striking clause (i) and inserting the following:

''(i) safe and appropriate shelter provided for not to exceed 21 days; and''; and

(2) in subsection (b)(2)—

(A) by striking ''(2) The'' and inserting ''(2)(A) Except as provided in subparagraph (B), the'';

(B) by striking ''$100,000'' and inserting ''$200,000'';

(C) by striking ''$45,000'' and inserting ''$70,000''; and

(D) by adding at the end the following:

''(B) For fiscal years 2009 and 2010, the amount allotted under paragraph (1) with respect to a State for a fiscal year shall be not less than the amount allotted under paragraph (1) with respect to such State for fiscal year 2008.

''(C) Whenever the Secretary determines that any part of the amount allotted under paragraph (1) to a State for a fiscal year will not be obligated before the end of the fiscal year, the Secretary shall reallot such part to the remaining States for obligation for the fiscal year.''.

(b) ELIGIBILITY.—Section 312(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5712(b)) is amended—

(1) in paragraph (11), by striking ''and'' at the end;

(2) in paragraph (12), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(13) shall develop an adequate emergency preparedness and management plan.''.

SEC. 4. TRANSITIONAL LIVING GRANT PROGRAM.

(a) ELIGIBILITY.—Section 322(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''directly or indirectly'' and inserting ''by grant, agreement, or contract''; and

(B) by striking ''services'' the first place it appears and inserting ''provide, by grant, agreement, or contract, services,'';

(2) in paragraph (2), by striking ''a continuous period not to exceed 540 days, except that'' and all that follows and inserting the following: ''a continuous period not to exceed 540 days, or in exceptional circumstances 635 days, except that a youth in a program under this part who has not reached 18 years of age on the last day of the 635-day period may, in exceptional circumstances and if otherwise qualified for the program, remain in the program until the youth's 18th birthday;'';

(3) in paragraph (14), by striking ''and'' at the end;

(4) in paragraph (15), by striking the period and inserting ''; and''; and

(5) by adding at the end the following:

''(16) to develop an adequate emergency preparedness and management plan.''.

(b) DEFINITIONS.—Section 322(c) of the Runaway and Homeless Youth Act (42 U.S.C. 5714-2(c)) is amended by—

(1) striking ''part, the term'' and inserting the following: ''part—

''(1) the term'';

(2) striking the period and inserting ''; and''; and

(3) adding at the end thereof the following:

''(2) the term 'exceptional circumstances' means circumstances in which a youth would benefit to an unusual extent from additional time in the program.''.

SEC. 5. GRANTS FOR RESEARCH EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.

Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–23) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''special consideration'' and inserting ''priority'';

(B) in paragraph (8)—

(i) by striking ''to health'' and inserting ''to quality health'';

(ii) by striking ''mental health care'' and inserting ''behavioral health care''; and

(iii) by striking ''and'' at the end;

(C) in paragraph (9), by striking the period at the end and inserting '', including access to educational and workforce programs to achieve outcomes such as decreasing secondary school dropout rates, increasing rates of attaining a secondary school diploma or its recognized equivalent, or increasing placement and retention in postsecondary education or advanced workforce training programs; and''; and

(D) by adding at the end the following:

''(10) providing programs, including innovative programs, that assist youth in obtaining and maintaining safe and stable housing, and which may include programs with supportive services that continue after the youth complete the remainder of the programs.''; and

(2) by striking subsection (c) and inserting the following:

''(c) In selecting among applicants for grants under subsection (a), the Secretary shall—

''(1) give priority to applicants who have experience working with runaway or homeless youth; and

''(2) ensure that the applicants selected—

''(A) represent diverse geographic regions of the United States; and

''(B) carry out projects that serve diverse populations of runaway or homeless youth.''.

SEC. 6. COORDINATING, TRAINING, RESEARCH, AND OTHER ACTIVITIES.

Part D of the Runaway and Homeless Youth Act (42 U.S.C. 5714–21 et seq.) is amended by adding at the end the following:

''SEC. 345. PERIODIC ESTIMATE OF INCIDENCE AND PREVALENCE OF YOUTH HOMELESSNESS.

''(a) PERIODIC ESTIMATE.—Not later than 2 years after the date of enactment of the Reconnecting Homeless Youth Act of 2008, and at 5-year intervals thereafter, the Secretary, in consultation with the United States Interagency Council on Homelessness, shall prepare and submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate, and make available to the public, a report—

''(1) by using the best quantitative and qualitative social science research methods available, containing an estimate of the incidence and prevalence of runaway and homeless individuals who are not less than 13 years of age but are less than 26 years of age; and

''(2) that includes with such estimate an assessment of the characteristics of such individuals.

''(b) CONTENT.—The report required by subsection (a) shall include—

''(1) the results of conducting a survey of, and direct interviews with, a representative sample of runaway and homeless individuals who are not less than 13 years of age but are less than 26 years of age, to determine past and current—

''(A) socioeconomic characteristics of such individuals; and

''(B) barriers to such individuals obtaining—

''(i) safe, quality, and affordable housing;

''(ii) comprehensive and affordable health insurance and health services; and

''(iii) incomes, public benefits, supportive services, and connections to caring adults; and

''(2) such other information as the Secretary determines, in consultation with States, units of local government, and national nongovernmental organizations concerned with homelessness, may be useful.

''(c) IMPLEMENTATION.—If the Secretary enters into any contract with a non-Federal entity for purposes of carrying out subsection (a), such entity shall be a nongovernmental organization, or an individual, determined by the Secretary to have appropriate expertise in quantitative and qualitative social science research.''.

SEC. 7. SEXUAL ABUSE PREVENTION PROGRAM.

Section 351(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–41(b)) is amended by inserting ''public and'' after ''priority to''.

SEC. 8. PERFORMANCE STANDARDS.

Part F of the Runaway and Homeless Youth Act (42 U.S.C. 5714a et seq.) is amended by inserting after section 386 the following:

''SEC. 386A. PERFORMANCE STANDARDS.

''(a) ESTABLISHMENT OF PERFORMANCE STANDARDS.—Not later than 1 year after the date of enactment of the Reconnecting Homeless Youth Act of 2008, the Secretary shall issue rules that specify performance standards for public and nonprofit private entities and agencies that receive grants under sections 311, 321, and 351.

''(b) CONSULTATION.—The Secretary shall consult with representatives of public and nonprofit private entities and agencies that receive grants under this title, including statewide and regional nonprofit organizations (including combinations of such organizations) that receive grants under this title, and national nonprofit organizations concerned with youth homelessness, in developing the performance standards required by subsection (a).

''(c) IMPLEMENTATION OF PERFORMANCE STANDARDS.—The Secretary shall integrate the performance standards into the processes of the Department of Health and Human Services for grantmaking, monitoring, and evaluation for programs under sections 311, 321, and 351.''.

SEC. 9. GOVERNMENT ACCOUNTABILITY OFFICE STUDY AND REPORT.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study, including making findings and recommendations, relating to the processes for making grants under parts A, B, and E of the Runaway and Homeless Youth Act (42 U.S.C. 5711 et seq., 5714–1 et seq., 5714–41).

(2) SUBJECTS.—In particular, the Comptroller General shall study—

(A) the Secretary's written responses to and other communications with applicants who do not receive grants under part A, B, or

E of such Act, to determine if the information provided in the responses and communications is conveyed clearly;

(B) the content and structure of the grant application documents, and of other associated documents (including grant announcements), to determine if the requirements of the applications and other associated documents are presented and structured in a way that gives an applicant a clear understanding of the information that the applicant must provide in each portion of an application to successfully complete it, and a clear understanding of the terminology used throughout the application and other associated documents;

(C) the peer review process for applications for the grants, including the selection of peer reviewers, the oversight of the process by staff of the Department of Health and Human Services, and the extent to which such staff make funding determinations based on the comments and scores of the peer reviewers;

(D) the typical timeframe, and the process and responsibilities of such staff, for responding to applicants for the grants, and the efforts made by such staff to communicate with the applicants when funding decisions or funding for the grants is delayed, such as when funding is delayed due to funding of a program through appropriations made under a continuing resolution; and

(E) the plans for implementation of, and the implementation of, where practicable, the technical assistance and training programs carried out under section 342 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–22), and the effect of such programs on the application process for the grants.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report containing the findings and recommendations resulting from the study.

SEC. 10. DEFINITIONS.

(a) HOMELESS YOUTH.—Section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''The'' and all that follows through ''means'' and inserting ''The term 'homeless', used with respect to a youth, means''; and

(2) in subparagraph (A)—

(A) in clause (i)—

(i) by striking ''not more than'' each place it appears and inserting ''less than''; and

(ii) by inserting after ''age'' the last place it appears the following: '', or is less than a higher maximum age if the State where the center is located has an applicable State or local law (including a regulation) that permits such higher maximum age in compliance with licensure requirements for child- and youth-serving facilities''; and

(B) in clause (ii), by striking ''age;'' and inserting the following: ''age and either—

''(I) less than 22 years of age; or

''(II) not less than 22 years of age, as of the expiration of the maximum period of stay permitted under section 322(a)(2) if such individual commences such stay before reaching 22 years of age;''.

(b) RUNAWAY YOUTH.—Section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a) is amended—

(1) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) RUNAWAY YOUTH.—The term 'runaway', used with respect to a youth, means an individual who is less than 18 years of age and who absents himself or herself from home or a place of legal residence without the permission of a parent or legal guardian.''.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''is authorized'' and inserting ''are authorized'';

(B) by striking ''part E) $105,000,000 for fiscal year 2004'' and inserting ''section 345 and part E) $140,000,000 for fiscal year 2009''; and

(C) by striking ''2005, 2006, 2007, and 2008'' and inserting ''2010, 2011, 2012, and 2013'';

(2) in paragraph (3)—

(A) by striking ''In'' and inserting the following:

''(A) IN GENERAL.—In'';

(B) by inserting ''(other than section 345)'' before the period; and

(C) by adding at the end the following:

''(B) PERIODIC ESTIMATE.—There are authorized to be appropriated to carry out section 345 such sums as may be necessary for fiscal years 2009, 2010, 2011, 2012, and 2013.''; and

(3) in paragraph (4)—

(A) by striking ''is authorized'' and inserting ''are authorized''; and

(B) by striking ''such sums as may be necessary for fiscal years 2004, 2005, 2006, 2007, and 2008'' and inserting ''$25,000,000 for fiscal year 2009 and such sums as may be necessary for fiscal years 2010, 2011, 2012, and 2013''.

SA 5653. Mr. DURBIN (for Mr. LEAHY (for himself and Mr. HATCH)) proposed an amendment to the bill H.R. 1777, to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws; as follows:

On page 2, strike lines 5 and 6 and insert the following: ''Section 568(d) of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note) is amended by striking '2008' and inserting '2015'.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, September 25, 2008, at 9:30 a.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BINGAMAN. 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 25, 2008, at 10 a.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

Mr. BINGAMAN. 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 25, 2008, at 10 a.m., in room 406 of the Dirksen Senate Office Building to conduct a hearing entitled ''Oversight Hearing on EPA's Cleanup of the Superfund Site in Libby, Montana.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BINGAMAN. 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 25, 2008, at 3 p.m.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BINGAMAN. 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 25, 2008, at 9:30 a.m. to conduct a hearing entitled ''Preventing Nuclear Terrorism: Hard Lessons Learned From Troubled Investments.''

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

COMMITTEE ON INDIAN AFFAIRS

Mr. BINGAMAN. 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 25, 2008, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. BINGAMAN. 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 25, 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 RULES AND ADMINISTRATION

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, September 25, 2008, at 2:30 p.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BINGAMAN. 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 25, 2008, at 2:30 p.m.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on