

the motion to concur in the House amendments to the Senate amendments to H.R. 976, the Children's Health Insurance Act of 2007.

The motion to concur with the amendments is withdrawn.

The question is on agreeing to the motion to concur.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

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

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 29, as follows:

[Rollcall Vote No. 353 Leg.]

YEAS—67

Akaka	Feinstein	Nelson (FL)
Alexander	Grassley	Nelson (NE)
Baucus	Harkin	Pryor
Bayh	Hatch	Reed
Bingaman	Hutchison	Reid
Bond	Inouye	Roberts
Boxer	Johnson	Rockefeller
Brown	Kennedy	Salazar
Byrd	Kerry	Sanders
Cantwell	Klobuchar	Schumer
Cardin	Kohl	Smith
Carper	Landrieu	Snowe
Casey	Lautenberg	Specter
Clinton	Leahy	Stabenow
Coleman	Levin	Stevens
Collins	Lieberman	Sununu
Conrad	Lincoln	Tester
Corker	Lugar	Warner
Dodd	McCaskill	Webb
Domenici	Menendez	Whitehouse
Dorgan	Mikulski	Wyden
Durbin	Murkowski	
Feingold	Murray	

NAYS—29

Allard	Crapo	Kyl
Barrasso	DeMint	Lott
Bennett	Dole	Martinez
Bunning	Ensign	McConnell
Burr	Enzi	Sessions
Chambliss	Graham	Shelby
Coburn	Gregg	Thune
Cochran	Hagel	Vitter
Cornyn	Inhofe	Voivovich
Craig	Isakson	

NOT VOTING—4

Biden	McCain
Brownback	Obama

The motion was agreed to.

Mr. GRASSLEY. Mr. President, I am pleased that this bill has passed with such a substantial vote.

This bill now goes to the President. I hope the President will be persuaded by the strong bipartisan support this bill has and will sign the bill.

As it customary, I want to thank the staff who have worked so hard to produce this bill.

From the House: Bridgett Taylor, Amy Hall and Andy Schneider.

From Senator BAUCUS's staff: Russ Sullivan, Bill Dauster, Michelle Easton, and Alice Weiss, and avid Schwartz.

I would like to thank my staff: Kolan Davis, Mark Prater, Mark Hayes, Becky Shipp, Rodney Whitlock, Steve Robinson, Shaun Freiman, and Sean McGuire.

Thanks as well to Senator HATCH's staff, Pattie DeLoatche, and thanks to Senator ROCKEFELLER's staff: Jocelyn Moore and Ellen Doneski.

Finally, I want to extend deep appreciation to the congressional support agencies on which Members and our staff rely.

From the Office of Legislative Counsel, thanks to Ed Grossman, Jessica Shapiro, and Ruth Ernst.

From the Congressional Research Service, thanks to Richard Rimkunas, Chris Peterson, Elicia Herz, April Grady, and Evelyne Baumrucker.

From the Congressional Budget Office, thanks to Director Peter Orszag, Tom Bradley, Eric Rollins, and Jeanne De Sa.

Again, I strongly urge my colleagues to vote in favor of this bill.

INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT—Continued

The PRESIDING OFFICER. Under the previous order, the joint resolution having been read the third time, the question is on passage of H.J. Res. 43, increasing the statutory limit on the public debt.

Mr. DURBIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 42, as follows:

[Rollcall Vote No. 354 Leg.]

YEAS—53

Akaka	Enzi	Murkowski
Barrasso	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Bennett	Grassley	Reid
Bond	Gregg	Roberts
Byrd	Hagel	Rockefeller
Cantwell	Hatch	Schumer
Cardin	Inouye	Shelby
Carper	Johnson	Snowe
Casey	Kennedy	Specter
Cochran	Kyl	Stabenow
Coleman	Landrieu	Stevens
Collins	Levin	Sununu
Conrad	Lieberman	Vitter
Corker	Lott	Warner
Domenici	Lugar	Whitehouse
Dorgan	Martinez	Wyden
Durbin	McConnell	

NAYS—42

Alexander	Dodd	McCaskill
Allard	Dole	Menendez
Bayh	Ensign	Mikulski
Bingaman	Graham	Nelson (NE)
Boxer	Harkin	Pryor
Brown	Hutchison	Reed
Bunning	Inhofe	Salazar
Burr	Isakson	Sanders
Chambliss	Kerry	Sessions
Coburn	Klobuchar	Smith
Cornyn	Kohl	Tester
Craig	Lautenberg	Thune
Crapo	Leahy	Voivovich
DeMint	Lincoln	Webb

NOT VOTING—5

Biden	Clinton	Obama
Brownback	McCain	

The joint resolution (H.J. Res. 43) was passed.

The PRESIDING OFFICER. The motion to reconsider is laid on the table.

MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2008

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.J. Res. 52, which the clerk will report.

The bill clerk read as follows:

A joint resolution (H.J. Res. 52) making continuing appropriations for the fiscal year 2008, and for other purposes.

The Senate proceeded to consider the joint resolution.

EXTENDING THE MEDICARE SECTION 508 PROGRAM

Mr. SPECTER. Mr. President, Senator CASEY and I, along with our colleagues, Senators STABENOW, CONRAD, LAUTENBERG, SCHUMER and DORGAN, filed an amendment to H.J. RES. 52, the appropriations continuing resolution for fiscal year 2008, to extend the Medicare section 508 program for 2 years. For a considerable period of time, there have been a number of hospitals in Pennsylvania and across the country that have been suffering from low Medicare wage index reimbursement, which has caused them great disadvantage in comparison to surrounding areas. Hospitals in these counties are surrounded by MSAs—metropolitan statistical areas—with higher Medicare reimbursements, and as a result, a flight of critical medical personnel occurs as hospitals are not able to provide employees with competitive wages.

During the consideration of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, I met with Finance Committee chairman CHARLES GRASSLEY and ranking member MAX BAUCUS about the bill provisions, including the need for a solution to the Medicare area wage index reclassification problem in Pennsylvania. Section 508 was included in the bill, which provided \$300 million per year for 3 years to increase funding for hospitals nationally to be reclassified to locations with higher Medicare reimbursement rates. As part of the Tax Relief and Health Care Act, which was signed into law on December 20, 2006, a 6-month extension of the section 508

Medicare wage index program until September 30, 2007, was included.

Mr. CASEY. I thank my colleague, Senator SPECTER, for his important work over the years on this issue, and I greatly appreciate our collaboration since I have taken office to find both an immediate and a long-term solution to the wage index problem. This issue is critical to ensuring that health care is available to Pennsylvanians and all Americans in areas that are being underfunded by the Medicare wage index reimbursement system. Further complicating this issue are the exceptions to the Medicare wage index regulations. Since 1987, exceptions have been created to the wage index program for rural facilities, new facilities and others. In fact, in 1999, Congress passed legislative reclassifications for specific hospitals to allow selected facilities to move to a new MSA and receive greater Medicare reimbursement. While these reclassifications have improved funding for those hospitals, hospitals that did not receive improved funding are being further disadvantaged.

Mr. CONRAD. I, too, want to lend my support for a 2-year extension of the Medicare section 508 hospital program. As the chairman and ranking member well know, I worked within the Finance Committee during the Medicare Modernization Act to create this vital program. For too long, Medicare has shortchanged Rural States, like North Dakota, in the wage index formula by not accurately reflecting real wages. Furthermore, the reclassification system has been biased towards urban areas and has failed to take into account the rural health care system experience where service areas overlap and facilities routinely compete across several hundreds of miles for professional staff. The section 508 program has helped to somewhat level the playing field for these hospitals—allowing them to improve their wages and make other significant investments—but its continuation is critical to ensuring the financial viability of many hospitals in North Dakota. The Congress must pass Medicare legislation this fall that includes a 2-year extension of the section 508 program.

Mr. BAUCUS. I appreciate the leadership my colleagues have shown on this important issue. Extending the section 508 program is a priority of the Finance Committee. Unfortunately, an agreement could not be reached to include this provision in this bill.

Mr. GRASSLEY. I thank my colleagues for introducing this amendment. This program provides vital funding for many hospitals including those in Iowa, and I was very disappointed that the House blocked our attempt to extend this program. It is unfortunate. Extending this program, however, does not address fundamental problems related to the wage index system. As mandated under the Tax Relief and Health Care Act of 2006, the Medicare Payment Advisory Commission, MedPAC, released their report exam-

ining an alternative Medicare wage index methodology. The legislation also requires the Secretary of Health and Human Services to propose revisions to the wage index in the fiscal year 2009 Medicare hospital inpatient prospective payment system proposed rule. I look forward to considering this proposal as we continue our work to make Medicare hospital payments more equitable.

Ms. STABENOW. I also wish to thank Senators SPECTER and CASEY for raising this issue. We have worked together to ensure the continuation of 508 while we work to ensure that Medicare reimbursement more adequately reflects our hospitals' true costs. Section 508 funding has provided crucial assistance to a number of hospitals in my State, although I note that there are still inequities in the reimbursement system that must be corrected.

Mr. SCHUMER. Mr. President, I am, like my colleagues, strongly in favor of extending the section 508 program. This is a critical program for some New York hospitals, and I appreciate the chairman's commitment to include the extension in future Medicare legislation.

Mr. LAUTENBERG. I would also like to thank the chairman and ranking member for their leadership on this issue and Senators SPECTER and CASEY for their continued support. Without an extension of the section 508 program, hospitals in New Jersey stand to lose over \$22 million. These hospitals cannot afford to sustain this loss and still provide the care needed to New Jersey residents. I look forward to working with my Senate colleagues to provide an extension of this important program.

Mr. DORGAN. I thank Senators SPECTER and CASEY for raising this issue. Extending the section 508 program is critical for many North Dakota hospitals and is an important step to address the long-standing inequities in Medicare payment between urban and rural providers. I appreciate the commitment of the chairman and ranking member of the Finance Committee and look forward to working with them to see that this extension is enacted.

Mr. CASEY. I thank the chairman and ranking member of the Finance Committee for their support on this issue. The House of Representatives has already moved forward to pass legislation that would extend this program. This program is scheduled to expire on September 30, 2007, and action to extend the program for 2 years must be taken. Mr. Chairman, I appreciate our conversations about this issue in which you expressed your commitment to working to pass an extension to the section 508 Medicare wage index program this fall that will also make hospitals whole to the date of expiration.

Mr. SPECTER. I understand that the Senate is likely to take up legislation which will include a number of Medicare provisions during this session of

Congress. I would appreciate the assurance of the chairman and ranking member of the Finance Committee that any Medicare related legislation that is considered by the Senate this session include a 2-year extension of the section 508 program that is retroactive to October 1, 2007.

Mr. BAUCUS. I assure my colleagues that I am committed to working to address concerns about this issue as part of any Medicare related legislation that may come before the Senate.

Mr. GRASSLEY. I look forward to working with Chairman BAUCUS and other Finance Committee members to address this issue.

Mr. SPECTER. I thank my colleagues and look forward to working with them on this issue.

Mr. CASEY. I thank my colleagues as well and look forward to resolving this issue.

EAS

Mr. CARDIN. Mr. President, with regard to the fiscal year 2008 continuing resolution that the Senate is taking up today, I would like to pose a question to the Senators from West Virginia and Washington. It is my understanding that the Commerce Committee has drafted a bill to reauthorize the Federal Aviation Administration, FAA, and that bill, S. 1300, should reach the Senate floor this session. That bill includes language with regard to Essential Air Service, EAS, to extend the state-determined mileage waiver. I thank the Committee for its work on that provision as it affects an airport in my State, as well as airports in South Dakota and Pennsylvania. In the interim, I would like to clarify that it is the intention of the Appropriations and Commerce Committees that EAS support continue for the airports in Hagerstown, MD; Brookings, SD; and Lancaster, PA along with the other airports nationwide that will continue to receive EAS funding through the Continuing Resolution today. I would direct this question to the chairman of the Commerce Subcommittee on Aviation Operations, Safety & Security if it is his intent to continue EAS support for airports in Hagerstown, MD; Brookings, SD; and Lancaster, PA?

Mr. ROCKEFELLER. Yes. We do hope to pass the full FAA authorization this session, and it contains the EAS mileage waiver. In the interim, it is the intent of the Committee that EAS funding should continue to these airports.

Mr. CARDIN. I would further like to get the views of the chairman of the Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related Agencies on this matter.

Mrs. MURRAY. This continuing resolution provides funding for the Essential Air Service program at the current rate with the expectation that the program shall continue to function as it is functioning now. We expect the Department of Transportation to avoid any major policy decisions that can impact

this program during the period of the continuing resolution—especially given the fact that there is already legislation reported out of committee and awaiting Senate action that addresses the continuation of air service to these communities.

Ms. MIKULSKI. I commend my colleague from Maryland for addressing this issue. I am a member of the Appropriations Committee and I, too, understand that the Committee intends to continue EAS funding under the continuing resolution to airports in Maryland, South Dakota, and Pennsylvania that currently receive it.

Mr. SPECTER. This issue also affects an airport in my home State, in Lancaster, PA. Based on the provisions in the full FAA authorization, I agree that it is the intent of the committee that EAS funding should be extended to the airports currently affected by the EAS state-determination mileage waiver.

Mr. JOHNSON. An airport in Bookings, SD, is also affected by the state-determination mileage waiver. So I am pleased to hear from all of my fellow appropriators that EAS funding should continue uninterrupted to the affected airports.

Mr. CARDIN. I thank all of my colleagues—both those responsible for the FAA reauthorization and those responsible for appropriating the funding for EAS—for making it clear that they expect the airports in Hagerstown, Lancaster, and Bookings to receive EAS funding under the continuing resolution.

Mr. FEINGOLD. Mr. President, I am disappointed that we are about to begin the 2008 fiscal year without having enacted any of the appropriations bills for that year. I am even more disappointed that we are about to vote on a continuing resolution that provides tens of billions of dollars to continue the misguided war in Iraq but does not include any language to bring that war to a close. We need to keep the Federal Government operating and make sure our brave troops get all the equipment and supplies they need, but we should not be giving the President a blank check to continue a war that is hurting our national security. For that reason, I will be voting against this resolution.

Mr. COCHRAN. Mr. President, I would like to take a moment to speak about the continuing resolution on which the Senate will soon vote. The resolution itself is a reasonable product that is largely the result of bicameral, bipartisan discussions. The resolution will allow the day-to-day functions of our Government to continue and will provide at least some of the additional funding that is necessary for our troops in Iraq and Afghanistan to execute the mission with which they have been tasked. It is also worth noting that the resolution does not attempt to use its inherent leverage to force any significant or controversial policy changes. I urge my colleagues to support passage of the resolution.

But as we come to the end of the fiscal year, I must express my deep concern about the lack of progress toward enacting the appropriations bills. This lack of progress is not the fault of the Appropriations Committee. Under Chairman BYRD's leadership, the committee reported all twelve bills in ample time to be considered by the full Senate over the course of the summer. But for whatever reason, to date the Senate has passed only four of the twelve regular appropriations bills, and prospects for consideration of the remaining bills appear uncertain at best.

Last year, under Republican leadership, the Senate failed to send all but two of the appropriations bills to the President. We were roundly criticized for this, and rightly so. As a result we left Federal agencies to limp along on a continuing resolution for 5 months, and were then presented with a full-year, formula-driven joint funding resolution to which no Senator had an opportunity to offer amendments. That is a process that I hope will not be repeated. No Senator should want that.

We simply need to buckle down and do our work. It is true that the President has said he will veto many of the appropriations bills based on his concerns about spending levels. It seems that there are people on both sides of the aisle and both ends of Pennsylvania Avenue who feel strongly about that question, and who are quite anxious to have that debate. But we can't have the debate if we don't call up the bills. The President can't veto what we haven't presented to him, and Congress can't vote to uphold or override a veto that never gets executed.

I understand that completing action on the remaining bills seems like a daunting task. But I know of no better way to complete such a task than to roll up our sleeves and get to work. I am pleased to hear the majority leader suggest that next week we will consider the Defense and the Commerce-Justice-Science appropriations bills. This is good news. I urge my colleagues to offer their amendments promptly when these bills are called up and to recognize that the opportunity to offer amendments to the subsequent bills is dependent on completing action on the pending bills.

It is particularly critical that we complete action on the Defense appropriations bill and the supplemental appropriations necessary to support the men and women in our Armed Forces and our diplomatic corps. While I am encouraged that we may consider the regular Defense appropriations bill next week, I am seriously concerned about reports that Congress may not consider a supplemental appropriations bill for the global war on terror until next year. While the continuing resolution we will pass tonight contains some "bridge" funding to support the troops through November 16, is an inadequate amount for the longer term.

As directed by Congress, the President submitted an FY 2008 war supple-

mental request in February. We expect to receive an amendment to that request any day. The Appropriations Committee held a hearing on these requests on Wednesday, and should be prepared in short order to act on legislation to fund our troops in the field. Delaying consideration of such legislation until next year is simply unacceptable. We have spent the last 2 weeks, and much of this Congress, in earnest and often useful debate on Iraq war policy. Amendments have been offered and votes have been taken. Deeply felt disagreements remain.

But the fact is that we have tens of thousands of American men and women in Iraq and Afghanistan performing the mission that their Government has assigned to them. The new fiscal year is upon us, and it is time for us to get on with the business of providing our men and women in uniform the resources they need to perform that mission successfully. To try to change American policy in Iraq by slowly starving our troops of those resources is unfair, and it is dangerous to American interests.

I urge the Senate to both forge ahead to complete action on the regular appropriations bills and to act promptly to provide our troops with the supplemental funds that they need.

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

Mr. SANDERS. Is there a sufficient second? There appears to be a sufficient second.

The question is on the third reading of the joint resolution.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is on passage of the joint resolution.

The clerk will call the roll.

The bill clerk called the roll.

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

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

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 1, as follows:

[Rollcall Vote No. 355 Leg.]

YEAS—94

Akaka	Coburn	Grassley
Alexander	Cochran	Gregg
Allard	Coleman	Hagel
Barrasso	Collins	Harkin
Baucus	Conrad	Hatch
Bayh	Corker	Hutchison
Bennett	Cornyn	Inhofe
Bingaman	Craig	Inouye
Bond	Crapo	Isakson
Boxer	DeMint	Johnson
Brown	Dodd	Kennedy
Bunning	Dole	Kerry
Burr	Domenici	Klobuchar
Byrd	Dorgan	Kohl
Cantwell	Durbin	Kyl
Cardin	Ensign	Landrieu
Carper	Enzi	Lautenberg
Casey	Feinstein	Leahy
Chambliss	Graham	Levin

Lieberman	Pryor	Stabenow
Lincoln	Reed	Stevens
Lott	Reid	Sununu
Lugar	Roberts	Tester
Martinez	Rockefeller	Thune
McCaskill	Salazar	Vitter
McConnell	Sanders	Voinovich
Menendez	Schumer	Warner
Mikulski	Sessions	Webb
Murkowski	Shelby	Whitehouse
Murray	Smith	Wyden
Nelson (FL)	Snowe	
Nelson (NE)	Specter	

NAYS—1

Feingold

NOT VOTING—5

Biden	Clinton	Obama
Brownback	McCain	

The joint resolution (H.J. Res. 52) was passed.

The PRESIDING OFFICER. The majority leader.

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

The motion to lay on the table was agreed to.

Mr. REID. I ask unanimous consent to withdraw the order that relates to Senator MENENDEZ on this matter.

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

Mr. REID. I also ask unanimous consent that the next votes be 10-minute votes.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008—Continued

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 1585. Cloture having been invoked on amendment No. 3035, offered by the Senator from Massachusetts, Mr. KENNEDY, the pending motion to commit with instructions offered by the Senator from Nevada, Mr. REID, falls.

Amendment No. 3035, offered by the Senator from Massachusetts, Mr. KENNEDY, having been adopted, amendment No. 2064, offered by the Senator from South Carolina, Mr. GRAHAM, falls.

Mr. WARNER. Mr. President, may we have order?

AMENDMENT NO. 2999, AS FURTHER MODIFIED

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2999, as modified further. The 2 minutes of debate are evenly divided. The Senator from Virginia.

Mr. WEBB. Mr. President, I would like to briefly say how proud I am that this amendment has been worked out, and I express my appreciation, both to the senior Senator from Virginia for having helped us work this out and also to my colleague from Missouri who did such a great job on the floor yesterday, managing the bill. I yield the rest of our time to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mrs. MCCASKILL. Mr. President, "We intend to see that no man or corporate group shall profit inordinately

on the blood of the boys in the fox-hole."

That is what Senator Harry Truman said as the Truman committee began its work. I think Harry Truman would be very proud of the Senate tonight. I, too, thank the senior Senator from Virginia for his willingness to sit down and work this out, along with Senator LEVIN for all of his support. I think this commission can do important work in a bipartisan way to fix some problems, to make sure we get contracting under control whenever our men and women are in danger.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I compliment my colleagues from Missouri and Virginia, Senators MCCASKILL and WEBB.

The amendment was carefully reviewed by myself and others on this side. We made several recommendations. Each of those recommendations were accepted. We indicate for the record that the amendment is accepted on this side. I ask that we have a voice vote.

The PRESIDING OFFICER. Under the previous order, the amendment is agreed to.

The Amendment (No. 2999), as further modified, is as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. STUDY AND INVESTIGATION OF WARTIME CONTRACTS AND CONTRACTING PROCESSES IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) COMMISSION ON WARTIME CONTRACTING.—

(1) ESTABLISHMENT.—There is hereby established a commission to be known as the "Commission on Wartime Contracting" (in this subsection referred to as the "Commission").

(2) MEMBERSHIP MATTERS.—

(A) MEMBERSHIP.—The Commission shall be composed of 8 members, as follows:

(i) 2 members shall be appointed by the Majority Leader of the Senate, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(ii) 2 members shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(iii) 1 member shall be appointed by the Minority Leader of the Senate, in consultation with the Ranking Minority Members of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(iv) 1 member shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Minority Member of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(v) 1 member shall be appointed by the Secretary of Defense.

(vi) 1 member shall be appointed by the Secretary of State.

(B) DEADLINE FOR APPOINTMENTS.—All appointments to the Commission shall be made

not later than 90 days after the date of the enactment of this Act.

(C) CHAIRMAN AND VICE CHAIRMAN.—

(i) CHAIRMAN.—The chairman of the Commission shall be a member of the Commission selected by the members appointed under clauses (i) and (ii) of subparagraph (A), but only if approved by the vote of a majority of the members of the Commission.

(ii) VICE CHAIRMAN.—The vice chairman of the Commission shall be a member of the Commission selected by the members appointed under clauses (iii) and (iv) of subparagraph (A), but only if approved by the vote of a majority of the members of the Commission.

(D) VACANCY.—In the event of a vacancy in the Commission, the individual appointed to fill the membership shall be of the same political party as the individual vacating the membership.

(3) DUTIES.—

(A) GENERAL DUTIES.—The Commission shall study and investigate the following matters:

(i) Federal agency contracting for the reconstruction of Iraq and Afghanistan.

(ii) Federal agency contracting for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom.

(iii) Federal agency contracting for the performance of security and intelligence functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(B) SCOPE OF CONTRACTING COVERED.—The Federal agency contracting covered by this paragraph includes contracts entered into both in the United States and abroad for the performance of activities described in subparagraph (A), whether performed in the United States or abroad.

(C) PARTICULAR DUTIES.—In carrying out the study under this paragraph, the Commission shall assess—

(i) the extent and impact of the reliance of the Federal Government on contractors to perform functions (including security, intelligence, and management functions) in Operation Iraqi Freedom and Operation Enduring Freedom;

(ii) the performance of the contracts under review, and the mechanisms used to manage the performance of the contracts under review;

(iii) the extent of waste, fraud, abuse, or mismanagement under such contracts;

(iv) the extent to which those responsible for such waste, fraud, abuse, or mismanagement have been held financially or legally accountable;

(v) the appropriateness of the organizational structure, policies, practices, and resources of the Department of Defense and the Department of State for handling contingency contract management and support; and

(vi) the extent of the misuse of force and violations of the laws of war or Federal law by contractors.

(4) REPORTS.—

(A) INTERIM REPORT.—On January 15, 2009, the Commission shall submit to Congress an interim report on the study carried out under paragraph (3), including the results and findings of the study as of that date.

(B) OTHER REPORTS.—The Commission may from time to time submit to Congress such other reports on the study carried out under paragraph (3) as the Commission considers appropriate.

(C) FINAL REPORT.—Not later than two years after the date of the appointment of all of the members of the Commission under paragraph (2), the Commission shall submit to Congress a report on the study carried out under paragraph (3). The report shall—

(i) include the findings of the Commission;