are 9 out of 15 high-level positions in the Department of Justice vacant, including the position of Attorney General. It is clear that we need to get the nominee dealt with as soon as possible.

The average time for confirming an Attorney General is 3½ weeks, and I am hopeful we can use our time wisely to confirm Judge Mukasey within that period of time.

DEFENSE AUTHORIZATION

Mr. KYL. Mr. President, the other topic I wish to address is the subject of the week, the Defense authorization bill, and especially as it relates to the issue of the current ongoing military activity in Iraq. I wish to briefly respond to a couple of comments that have been said recently, particularly comments by General Petraeus and the remarks the President made to us last week.

It seems to me the President said something very important to all of America when he said the success of the surge in Iraq today offers us an opportunity to be united as we have not had for some time. There are people who want us to leave as soon as we can from Iraq. There are people who want us to stay and complete the mission. And what the President said was, regardless of which of these general positions you have supported, there is an opportunity now for us to get together because the reality is that as long as this mission does continue to succeed, we can withdraw more and more troops which, obviously, we would all wish to do. So I hope as time goes on and this surge continues to succeed, we will have the opportunity to continue to withdraw American troops.

I also wish to respond to a couple of comments made about the mission in Iraq because there has been some criticism of the mission and a suggestion that we should change the mission. I wish to make a couple of points.

First, one thing we do not want to do is change the mission by redefining that mission in the Senate based upon what kind of a mission could get 60 votes in the Senate as opposed to what kind of a mission makes sense militarily on the ground. Yet one of our colleagues has even made that point, saying that the mission should be defined to whatever will get 60 votes. That is the wrong thing to do.

The mission should be to secure Iraq, to have a stable country that can be on our side in the war against terror, that has a chance to do what the civilian government there needs to do, and to be secure enough to enable us to withdraw our troops so Iraqi troops can take over. That is the mission.

As the security is being established there, the mission can gradually evolve less to providing security, as that is turned over to Iraqi troops, and more to the continuation of the training of Iraqi troops and focusing on the mission of getting al-Qaida. That clearly is our No. 1 goal there.

But for those who say we can do that with a severely diminished number of troops, General Petraeus himself commented on that point and said you need the combination of troops that we have there today and in fairly large numbers to perform the counterterrorism mission; that it is not simply something you can say we are going to change the mission to one of counterterrorism only and expect you can perform that with just special operations troops.

As he said:

> To do counterterrorism requires conventional as well as all types of special operations forces, and intelligence, surveillance and reconnaissance assets. If the goal is to take away sanctuary from al-Qaeda, Gen. Petraeus said, ''that is something that is not just done by counterterrorist forces per se but . . . by conventional forces as well.''

The point is, those who talk about redefining the mission should be under no illusion that can be done with a different mix of forces than we have right now. It is one of the reasons we are being successful against al-Qaida because we do have the kind of full conventional forces at our disposal that enables us to succeed in that effort.

It will be very dangerous, indeed, for the Senate to define a different mission based on how many votes it could get in the Senate rather than what is necessary on the ground, or, No. 2, to restrict the kind of troops that are available to perform that mission to those that would not succeed. As General Petraeus has pointed out, we need the kind of troops we have there today in order to succeed in the mission we have there.

Finally, the whole question of whether we are going to be in Iraq for a long time, there are some who criticize the prospect of a relationship between the Iraqi Government and the United States Government, as the President discussed in his speech. But the reality is, as he pointed out, the Iraqi leaders have asked for that relationship, and it should be one that we actually support. We need to have a good, strong relationship with another country in the Middle East, a country that can be on our side in the war against the terrorists, that refuses to give sanctuary to the terrorists, and can be a buffer against a nuclear-armed Iran, a fastidious Syria, and others in the region, and whose interests are identical to ours.

This is one reason why it bothers me not in the least that Iraqi leaders would ask to us have an enduring, ongoing relation even after we have pulled out many of our troops, to the point that we may have troops in Iraq for a long time. We have had troops in Germany now for over 60 years, and we have had troops in Korea for over 50 years. There may be a point in having U.S. troops in the region and even in the country of Iraq.

Our hope—and I am sure this is shared by all of us on both sides of the aisle in this body—is that as the troop surge continues to succeed, we can draw down the number of those troops to a point that it is not a strain on the U.S. military and the danger to the troops there is greatly diminished. Clearly, this is the way we seek to resolve our involvement in Iraq.

I hope the President's message, that this offers us an opportunity to be united rather than divided, in fact, comes to pass, because not only would that benefit the people of Iraq, it would help sustain our national security interests and help to bring our country together politically over this most difficult issue as well.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 1585, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Nelson of Nebraska (for Levin) amendment No. 2011, in the nature of a substitute.

Levin amendment No. 2087 (to amendment No. 2011), to provide for a reduction and transition of United States forces in Iraq.

Reed amendment No. 2088 (to amendment No. 2087), to change the enactment date.

Dodd (for Levin) amendment No. 2274 (to the language proposed to be stricken by amendment No. 2011), to provide for a reduction and transition of United States forces in Iraq.

Levin amendment No. 2275 (to amendment No. 2274), to provide for a reduction and transition of United States forces in Iraq.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, I am pleased the Senate today returns to the consideration of the National Defense Authorization Act for fiscal year 2008. This bill contains important benefits for our men and women in uniform, including pay raises, targeted bonuses and special pays, and benefits. It also includes funding and authorities needed to provide our troops the equipment and support they will need.

Prompt Senate action on this bill will send an important message. Regardless of our position on the war in Iraq, we all support our men and women in uniform. The bill was approved by the Armed Services Committee on a unanimous 25-to-0 vote, and it is my hope it will receive a similarly strong endorsement from the full Senate.

We have a lot of hard work ahead of us before that can happen. As of today,

more than 300 amendments have been filed. We are working hard to clear as many of these amendments as possible, but some amendments will inevitably require votes. Where that is the case, I hope my colleagues will work with us to develop appropriate time agreements that protect the interests of everybody involved while expediting consideration of the bill.

Congress has enacted a Defense Authorization Act every year for more than 40 years. I hope we will build on that record and show our strong support for our soldiers, sailors, airmen, and marines by working together to pass this bill.

On a procedural note, I understand the President signed the Honest Leadership and Open Government Act of 2007 into law on Friday. In accordance with the new rules, I am placing into the RECORD a certification that each congressionally directed item in this bill and the accompanying report has been identified through lists identifying the names of the Senator or Senators requesting the item and that this information has been available on the committee's Web site for more than 48 hours.

In addition, the committee is in the process of collecting a certification from each such Senator that neither the Senator nor the Senator's immediate family has a pecuniary interest in the item, and, again, that is consistent with the requirements of the Senate rules now. In accordance with the requirements of the new rules, we will make these certifications available for public inspection on our Web site as soon as practicable.

Mr. President, I ask unanimous consent to have printed in the RECORD my certification of compliance with the requirements of the Honest Leadership and Open Government Act of 2007.

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

CERTIFICATION OF COMPLIANCE WITH THE REQUIREMENTS OF THE HONEST LEADERSHIP AND OPEN GOVERNMENT ACT OF 2007

SEPTEMBER 17, 2007.

I hereby certify that—

(1) each congressionally directed spending item, limited tax benefit, and limited tariff benefit, if any, in the National Defense Authorization Act for Fiscal Year 2008, as reported by the Committee on Armed Services, has been identified through lists, charts, or other similar means including the name of each Senator who submitted a request to the committee for each item so identified; and

(2) the information described in paragraph (1) has been available on the website of the Committee on Armed Services in a searchable format for more than 48 hours.

CARL LEVIN,
Chairman.

Mr. LEVIN. Mr. President, we are open to amendments. If Senators want to come to the floor now and offer amendments, it will be required we set aside a pending amendment. We are hoping to get unanimous consent to do that. We expect we will be able to get unanimous consent to do that. So Senators who have amendments, if they will come to the floor and discuss and describe their amendments, we will be able to hopefully make some progress, and then at a later time this afternoon hopefully make those amendments in order by a unanimous consent agreement to withdraw the pending second-degree amendment.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

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

(The remarks of Mr. LEAHY are printed in today's RECORD under ''Morning Business.'')

AMENDMENT NO. 2022

Mr. LEAHY. Mr. President, I realize it is not possible, because agreement has not yet been reached, to set aside the pending legislation to bring up the Habeas Corpus Restoration Act as an amendment. As the managers of the bill are not on the floor, I certainly will not take advantage of that and do it. So let me speak about it.

I now am speaking on the National Defense Authorization Act. At an appropriate time, I will bring up amendment No. 2022. I will tell you why I will do this.

Last year, Congress committed an historic mistake by suspending the Great Writ of habeas corpus—not just for those confined at Guantanamo Bay but for millions of legal residents in the United States. The Senate Judiciary Committee's hearing in May on this bill illustrated the broad agreement among representatives from diverse political beliefs and backgrounds that the mistake committed in the Military Commissions Act of 2006 must be corrected. The Habeas Corpus Restoration Act of 2007, S.185, the bill on which this amendment is based, has 30 cosponsors. The Senate Judiciary Committee reported it on a bipartisan basis. I hope Senators will review the committee report on this measure.

Habeas corpus was recklessly undermined in last year's Military Commissions Act. Like the internment of Japanese Americans during World War II, the elimination of habeas rights was an action driven by fear, and it was a stain on America's reputation in the world. This is a time of testing. Future generations will look back to examine the choices we made during a time when security was too often invoked as a watchword to convince us to slacken our defense of liberty and the rule of law.

The Great Writ of habeas corpus is the legal process that guarantees an opportunity to go to court and challenge the abuse of power by the Government. The Military Commissions Act rolled back these protections by eliminating that right, permanently, for any noncitizen labeled an enemy combatant. In fact, a detainee does not have to be found to be an enemy combatant; it is enough for the Government to say someone is ''awaiting'' determination of that status—something detainees cannot even contest when they are held in jail.

The sweep of this habeas provision goes far beyond the few hundred detainees currently held at Guantanamo Bay, and it includes an estimated 12 million lawful permanent residents in the United States today. These are people who work and pay taxes, people who abide by our laws and should be entitled to fair treatment. It is, after all, the American way. It is what we brag about when we go to their countries. But under this law, any of these people can be detained, forever, without any ability to challenge their detention in court.

This is wrong. It is unconstitutional. It is un-American.

Top conservative thinkers, evangelical activists, and prominent members of the Latino community have all spoken out on the need to restore these basic American rights. GEN Colin Powell, like many leading former military and diplomatic officials, has spoken of the importance of these habeas rights. He asked, ''Isn't that what our system's all about?''

Perhaps most powerful for me was the testimony of RADM Donald Guter, who was working in his office in the Pentagon as Judge Advocate General of the Navy on September 11, 2001, and saw firsthand the effects of terrorism. His credibility is unimpeachable when he says that denying habeas rights to detainees endangers our troops and undermines our military efforts.

Admiral Guter testified:

> As we limit the rights of human beings, even those of the enemy, we become more like the enemy. That makes us weaker and imperils our valiant troops, serving not just in Iraq and Afghanistan, but around the globe.

He was right. Whether you are an individual soldier, or a great nation, it is difficult to defend the higher ground by taking the lower road. The world knows what our enemies stand for. The world also knows what this country has tried to stand for and live up to in—the best of times, and the worst of times.

Now, as we work to reauthorize the many programs that compose our valiant armed forces, it is the right time to heed the advice of so many of our top military lawyers who tell us that eliminating basic legal rights undermines our fighting men and women; it does not make them stronger.

I especially want to thank Senator SPECTER and acknowledge his strong and consistent leadership on this issue. Senator SPECTER and I came to this

floor to offer this amendment back on July 10, when this bill was initially being considered, and thereafter. I hope all Senators will now join with us in restoring basic American values and the rule of law, while making our Nation stronger.

It is from strength that America should defend our values and our way of life. It is from the strength of our freedoms, our Constitution, and the rule of law that we shall prevail. I hope all in the Senate, Republicans and Democrats, will join us in standing up for a stronger America, for the America we believe in, and support the Habeas Corpus Restoration Act of 2007.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 2174, AS MODIFIED; 2175; 2168; 2108; 2015; 2050; 2120; 2056; 2147; 2047; 2117; 2190; 2199; 2203; 2201; 2200; 2112; 2099; 2212; 2222; 2230, AS MODIFIED; 2234, AS MODIFIED; 2272; 2220; 2276; 2257; 2281; 2250; 2254; 2268; 2292; 2305; 2216; 2309; 2308; 2310; 2617; 2313; 2863; 2282; 2210; 2291; 2096; 2315; 2176; 2326; 2263; 2294; 2277, AS MODIFIED; AND 2862 TO AMENDMENT NO. 2011

Mr. LEVIN. Mr. President, I send a series of amendments to the desk which have been cleared by myself and Senator WARNER. I ask unanimous consent that the Senate consider those amendments en bloc, the amendments be agreed to en bloc, and the motions to reconsider be laid on the table. Finally, I ask unanimous consent to have any statements relating to any of these individual amendments printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. No objection. As a matter of fact, we have worked out in a very satisfactory way each of these amendments.

Mr. LEVIN. Mr. President, I understand there are 50 amendments.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 2174, AS MODIFIED

At the end of subtitle B of title I, add the following:

SEC. 115. GENERAL FUND ENTERPRISE BUSINESS SYSTEM.

(a) ADDITIONAL AMOUNT.—

(1) IN GENERAL.—The amount authorized to be appropriated by section 201(1) for research, development, test and evaluation for the Army is hereby increased by $59,041,000.

(2) AVAILABILITY.—Of the amount authorized to be appropriated by section 201(1) for research, development test and evaluation for the Army, as increased by paragraph (1), $59,041,000 may be available for the General Fund Enterprise Business System of the Army.

(3) SUPPLEMENT NOT SUPPLANT.—The amount available under paragraph (2) for the purpose specified in that paragraph is in addition to any other amounts available in this Act for that purpose.

(b) OFFSET.—

(1) RDTE, ARMY.—The amount authorized to be appropriated by section 101(5) for other procurement for the Army is hereby reduced by $29,219,000, with the amount of the reduction to be allocated to amounts available for the General Fund Enterprise Business System.

(2) O&M, ARMY.—The amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is hereby reduced by $29,822,000, with the amount of the reduction to be allocated to amounts available for the General Fund Enterprise Business System.

AMENDMENT NO. 2175

(Purpose: To modify the requirements on the Defense Science Board Review of Department of Defense policies and procedures for the acquisition of information technology)

On page 246, strike lines 4 through 6 and insert the following:

(G) the information officers of the Defense Agencies; and

(H) the Director of Operational Test and Evaluation and the heads of the operational test organizations of the military departments and the Defense Agencies.

On page 247, between lines 7 and 8, insert the following:

(9) The adequacy of operational and development test resources (including infrastructure and personnel), policies, and procedures to ensure appropriate testing of information technology systems both during development and before operational use.

(10) The appropriate policies and procedures for technology assessment, development, and operational testing for purposes of the adoption of commercial technologies into information technology systems.

AMENDMENT NO. 2168

(Purpose: To express the sense of Congress on the procurement program for the KC–X tanker aircraft)

At the end of subtitle D at title I, add the following:

SEC. 143. SENSE OF CONGRESS ON THE PROCUREMENT PROGRAM FOR THE KC–X TANKER AIRCRAFT.

(a) FINDINGS.—Congress makes the following findings:

(1) Aerial refueling is a critically important force multiplier for the Air Force.

(2) The KC-X tanker aircraft procurement program is the number one acquisition and recapitalization priority of the Air Force.

(3) Given the competing budgetary requirements of the other Armed Forces and other sectors of the Federal Government, the Air Force needs to modernize at the most cost effective price.

(4) Competition in defense procurement provides the Armed Forces with the best products at the best price.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Air Force should—

(1) hold a full and open competition to choose the best possible joint aerial refueling capability at the most reasonable price; and

(2) be discouraged from taking any actions that would limit the ability of either of the teams seeking the contract for the procurement of KC-X tanker aircraft from competing for that contract.

AMENDMENT NO. 2108

(Purpose: To require a report on the planning and implementation of the policy of the United States toward Darfur)

At the end of title XII, add the following:

SEC. 1205. REPORT ON PLANNING AND IMPLEMENTATION OF UNITED STATES ENGAGEMENT AND POLICY TOWARD DARFUR.

(a) REQUIREMENT FOR REPORTS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall submit to the appropriate congressional committees a report on the policy of the United States to address the crisis in Darfur, in eastern Chad, and in north-eastern Central African Republic, and on the contributions of the Department of Defense and the Department of State to the North Atlantic Treaty Organization (NATO), the United Nations, and the African Union in support of the current African Union Mission in Sudan (AMIS) or any covered United Nations mission.

(b) ELEMENTS.—Each report under subsection (a) shall include the following:

(1) An assessment of the extent to which the Government of Sudan is in compliance with its obligations under international law and as a member of the United Nations, including under United Nations Security Council Resolutions 1706 (2006) and 1591 (2005), and a description of any violations of such obligations, including violations relating to the denial of or delay in facilitating access by AMIS and United Nations peacekeepers to conflict areas, failure to implement responsibilities to demobilize and disarm the Janjaweed militias, obstruction of the voluntary safe return of internally displaced persons and refugees, and degradation of security of and access to humanitarian supply routes.

(2) A comprehensive explanation of the policy of the United States to address the crisis in Darfur, including the activities of the Department of Defense and the Department of State.

(3) A comprehensive assessment of the impact of a no-fly zone for Darfur, including an assessment of the impact of such a no-fly zone on humanitarian efforts in Darfur and the region and a plan to minimize any negative impact on such humanitarian efforts during the implementation of such a no-fly zone.

(4) A description of contributions made by the Department of Defense and the Department of State in support of NATO assistance to AMIS and any covered United Nations mission.

(5) An assessment of the extent to which additional resources are necessary to meet the obligations of the United States to AMIS and any covered United Nations mission.

(c) FORM AND AVAILABILITY OF REPORTS.—

(1) FORM.—Each report submitted under this section shall be in an unclassified form, but may include a classified annex.

(2) AVAILABILITY.—The unclassified portion of any report submitted under this section shall be made available to the public.

(d) REPEAL OF SUPERSEDED REPORT REQUIREMENT.—Section 1227 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2426) is repealed.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) COVERED UNITED NATIONS MISSION.—The term ''covered United Nations mission'' means any United Nations-African Union hybrid peacekeeping operation in Darfur, and any United Nations peacekeeping operating in Darfur, eastern Chad, or northern Central

African Republic, that is deployed on or after the date of the enactment of this Act.

AMENDMENT NO. 2015

(Purpose: To provide for additional members on the Department of Defense Military Family Readiness Council)

On page 107, between lines 16 and 17, insert the following:

''(D) In addition to the members appointed under subparagraphs (B) and (C), eight individuals appointed by the Secretary of Defense, of whom—

''(i) one shall be a commissioned officer of the Army or spouse of a commissioned officer of the Army, and one shall be an enlisted member of the Army or spouse of an enlisted member of the Army, except that of the individuals appointed under this clause at any particular time, one shall be a member of the Army and the other shall be a spouse of a member of the Army;

''(ii) one shall be a commissioned officer of the Navy or spouse of a commissioned officer of the Navy, and one shall be an enlisted member of the Navy or spouse of an enlisted member of the Navy, except that of the individuals appointed under this clause at any particular time, one shall be a member of the Navy and the other shall be a spouse of a member of the Navy;

''(iii) one shall be a commissioned officer of the Marine Corps or spouse of a commissioned officer of the Marine Corps, and one shall be an enlisted member of the Marine Corps or spouse of an enlisted member of the Marine Corps, except that of the individuals appointed under this clause at any particular time, one shall be a member of the Marine Corps and the other shall be a spouse of a member of the Marine Corps; and

''(iv) one shall be a commissioned officer of the Air Force or spouse of a commissioned officer of the Air Force, and one shall be an enlisted member of the Air Force or spouse of an enlisted member of the Air Force, except that of the individuals appointed under this clause at any particular time, one shall be a member of the Air Force and the other shall be a spouse of a member of the Air Force.''.

AMENDMENT NO. 2050

(Purpose: To require a report on surveys of patient satisfaction at military treatment facilities)

At the end of title VII, add the following:

SEC. 703. REPORT ON PATIENT SATISFACTION SURVEYS.

(a) REPORT REQUIRED.—Not later than March 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the ongoing patient satisfaction surveys taking place in Department of Defense inpatient and outpatient settings at military treatment facilities.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) The types of survey questions asked.

(2) How frequently the surveying is conducted.

(3) How often the results are analyzed and reported back to the treatment facilities.

(4) To whom survey feedback is made available.

(5) How best practices are incorporated for quality improvement.

(6) An analysis of the impact and effect of inpatient and outpatient surveys quality improvement and a comparison of patient satisfaction survey programs with patient satisfaction survey programs used by other public and private health care systems and organizations.

(c) USE OF REPORT INFORMATION.—The Secretary shall use information in the report as the basis for a plan for improvements in patient satisfaction surveys at health care at military treatment facilities in order to ensure the provision of high quality healthcare and hospital services in such facilities.

AMENDMENT NO. 2120

(Purpose: To require an additional element in the management plan for the Joint Improvised Explosive Device Defeat Fund)

On page 415, between lines 2 and 3, insert the following:

(C) activities for the coordination of research technology development and concepts of operations on improvised explosive defeat with the military departments, the Defense Agencies, the combatant commands, the Department of Homeland Security, and other appropriate departments and agencies of the Federal Government.

AMENDMENT NO. 2056

(Purpose: To provide support and assistance for families of members of the Armed Forces who are undergoing deployment)

At the end of subtitle G of title V, add the following:

SEC. 583. FAMILY SUPPORT FOR FAMILIES OF MEMBERS OF THE ARMED FORCES UNDERGOING DEPLOYMENT, INCLUDING NATIONAL GUARD AND RESERVE PERSONNEL.

(a) FAMILY SUPPORT.—

(1) IN GENERAL.—The Secretary of Defense shall enhance and improve current programs of the Department of Defense to provide family support for families of deployed members of the Armed Forces, including deployed members of the National Guard and Reserve, in order to improve the assistance available for families of such members before, during, and after their deployment cycle.

(2) SPECIFIC ENHANCEMENTS.—In enhancing and improving programs under paragraph (1), the Secretary shall enhance and improve the availability of assistance to families of members of the Armed Forces, including members of the National Guard and Reserve, including assistance in—

(A) preparing and updating family care plans;

(B) securing information on health care and mental health care benefits and services and on other community resources;

(C) providing referrals for—

(i) crisis services; and

(ii) marriage counseling and family counseling; and

(D) financial counseling.

(b) POST-DEPLOYMENT ASSISTANCE FOR SPOUSES AND PARENTS OF RETURNING MEMBERS.—

(1) IN GENERAL.—The Secretary of Defense shall provide spouses and parents of members of the Armed Forces, including members of the National Guard and Reserve, who are returning from deployment assistance in—

(A) understanding issues that arise in the readjustment of such members—

(i) for members of the National Guard and Reserve, to civilian life; and

(ii) for members of the regular components of the Armed Forces, to military life in a non-combat environment;

(B) identifying signs and symptoms of mental health conditions; and

(C) encouraging such members and their families in seeking assistance for such conditions.

(2) INFORMATION ON AVAILABLE RESOURCES.—In providing assistance under paragraph (1), the Secretary shall provide information on local resources for mental health services, family counseling services, or other appropriate services, including services available from both military providers of such services and community-based providers of such services.

(3) TIMING.—The Secretary shall provide resources under paragraph (1) to a member of the Armed Forces approximately six months after the date of the return of such member from deployment.

SEC. 584. SUPPORT SERVICES FOR CHILDREN, INFANTS, AND TODDLERS OF MEMBERS OF THE ARMED FORCES UNDERGOING DEPLOYMENT, INCLUDING NATIONAL GUARD AND RESERVE PERSONNEL.

(a) ENHANCEMENT OF SUPPORT SERVICES FOR CHILDREN.—The Secretary of Defense shall—

(1) provide information to parents and other caretakers of children, including infants and toddlers, who are deployed members of the Armed Forces to assist such parents and caretakers in responding to the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children, including the role such parents and caretakers can play in addressing and mitigating such implications;

(2) develop programs and activities to increase awareness throughout the military and civilian communities of the potential adverse implications of such deployment (including the death or injury of such members during such deployment) for such children and their families and to increase collaboration within such communities to address and mitigate such implications;

(3) develop training for early childhood education, child care, mental health, health care, and family support professionals to enhance the awareness of such professionals of their role in assisting families in addressing and mitigating the potential adverse implications of such deployment (including the death or injury of such members during such deployment) for such children; and

(4) conduct or sponsor research on best practices for building psychological and emotional resiliency in such children in coping with the deployment of such members.

(b) REPORTS.—

(1) REPORTS REQUIRED.—At the end of the 18-month period beginning on the date of the enactment of this Act, and at the end of the 36-month period beginning on that date, the Secretary of Defense shall submit to Congress a report on the services provided under subsection (a).

(2) ELEMENTS.—Each report under paragraph (1) shall include the following:

(A) An assessment of the extent to which outreach to parents and other caretakers of children, or infants and toddlers, as applicable, of members of the Armed Forces was effective in reaching such parents and caretakers and in mitigating any adverse effects of the deployment of such members on such children or infants and toddlers.

(B) An assessment of the effectiveness of training materials for education, mental health, health, and family support professionals in increasing awareness of their role in assisting families in addressing and mitigating the adverse effects on children, or infants and toddlers, of the deployment of deployed members of the Armed Forces, including National Guard and Reserve personnel.

(C) A description of best practices identified for building psychological and emotional resiliency in children, or infants and toddlers, in coping with the deployment of deployed members of the Armed Forces, including National Guard and Reserve personnel.

(D) A plan for dissemination throughout the military departments of the most effective practices for outreach, training, and building psychological and emotional resiliency in the children of deployed members.

AMENDMENT NO. 2147

(Purpose: To authorize the Air University to confer additional academic degrees)

At the end of subtitle D of title V, add the following:

SEC. 555. AUTHORITY OF THE AIR UNIVERSITY TO CONFER ADDITIONAL ACADEMIC DEGREES.

Section 9317(a) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(5) The degree of doctor of philosophy in strategic studies upon graduates of the School of Advanced Airpower Studies who fulfill the requirements for that degree in manner consistent with the guidelines of the Department of Education and the principles of the regional accrediting body for Air University.

''(6) The degree of master of air, space, and cyberspace studies upon graduates of Air University who fulfill the requirements for that degree in a manner consistent with the recommendations of the Department of Education and the principles of the regional accrediting body for Air University.

''(7) The degree of master of flight test engineering science upon graduates of the Air Force Test Pilot School who fulfill the requirements for that degree in a manner consistent with the recommendations of the Department of Education and the principles of the regional accrediting body for Air University.''.

AMENDMENT NO. 2047

(Purpose: To specify additional individuals eligible to transportation for survivors of deceased members)

At the end of subtitle D of title VI, add the following:

SEC. 656. ADDITIONAL INDIVIDUALS ELIGIBLE FOR TRANSPORTATION FOR SURVIVORS OF DECEASED MEMBERS TO ATTEND THE MEMBER'S BURIAL CEREMONIES.

Section 411f(c) of title 37, United States Code, is amended—

(1) in paragraph (1) by adding at the end the following new subparagraphs:

''(D) Any child of the parent or parents of the deceased member who is under the age of 18 years if such child is attending the burial ceremony of the memorial service with the parent or parents and would otherwise be left unaccompanied by the parent or parents.

''(E) The person who directs the disposition of the remains of the deceased member under section 1482(c) of title 10, or, in the case of a deceased member whose remains are commingled and buried in a common grave in a national cemetery, the person who have been designated under such section to direct the disposition of the remains if individual identification had been made.''; and

(2) in paragraph (2), by striking ''may be provided to—'' and all that follows through the end and inserting ''may be provided to up to two additional persons closely related to the deceased member who are selected by the person referred to in paragraph (1)(E).''.

AMENDMENT NO. 2117

(Purpose: To revise the authorized variances on end strengths authorized for Selected reserve personnel)

At the end of subtitle B of title IV, add the following:

SEC. 416. REVISION OF AUTHORIZED VARIANCES IN END STRENGTHS FOR SELECTED RESERVE PERSONNEL.

(a) INCREASE.—Section 115(f)(3) of title 10, United States Code, is amended by striking ''2 percent'' and inserting ''3 percent''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2007, and shall apply with respect to fiscal years beginning on or after that date.

AMENDMENT NO. 2190

(Purpose: To designate the positions of Principal Military Deputy to the Assistant Secretaries of the military departments for acquisition matters as critical acquisition positions)

On page 269, line 20, insert after ''management.'' the following: ''The position of Principal Deputy shall be designated as a critical acquisition position under section 1733 of this title.''.

On page 270, line 10, insert after ''management.'' the following: ''The position of Principal Deputy shall be designated as a critical acquisition position under section 1733 of this title.''.

On page 270, line 23, insert after ''management.'' the following: ''The position of Principal Deputy shall be designated as a critical acquisition position under section 1733 of this title.''.

AMENDMENT NO. 2199

(Purpose: To require a Comptroller General assessment of the Defense Experimental Program to Stimulate Competitive Research)

At the end of subtitle D of title II, add the following:

SEC. 256. COMPTROLLER GENERAL ASSESSMENT OF THE DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

(a) REVIEW.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives an assessment of the effectiveness of the Defense Experimental Program to Stimulate Competitive Research.

(b) ASSESSMENT.—The report under subsection (a) shall include the following:

(1) A description and assessment of the tangible results and progress toward the objectives of the program, including—

(A) an identification of any past program activities that led to, or were fundamental to, applications used by, or supportive of, operational users; and

(B) an assessment of whether the program has expanded the national research infrastructure.

(2) An assessment whether the activities undertaken under the program are consistent with the statute authorizing the program.

(3) An assessment whether the various elements of the program, such as structure, funding, staffing, project solicitation and selection, and administration, are working effectively and efficiently to support the effective execution of the program.

(4) A description and assessment of past and ongoing activities of State planning committees under the program in supporting the achievement of the objectives of the program.

(5) An analysis of the advantages and disadvantages of having an institution-based formula for qualification to participate in the program when compared with the advantages and disadvantages of having a State-based formula for qualification to participate in supporting defense missions and the objective of expanding the Nation's defense research infrastructure.

(6) An identification of mechanisms for improving the management and implementation of the program, including modification of the statute authorizing the program, Department regulations, program structure, funding levels, funding strategy, or the activities of the State committees.

(7) Any other matters the Comptroller General considers appropriate.

AMENDMENT NO. 2203

(Purpose: To express the sense of Congress on family care plans and the deployment of members of the Armed Forces who have minor dependents)

At the end of title X, add the following:

SEC. 1070. SENSE OF CONGRESS ON FAMILY CARE PLANS AND THE DEPLOYMENT OF MEMBERS OF THE ARMED FORCES WHO HAVE MINOR DEPENDENTS.

(a) IN GENERAL.—It is the sense of Congress that—

(1) single parents who are members of the Armed Forces with minor dependents, and dual-military couples with minor dependents, should develop and maintain effective family care plans that—

(A) address all reasonably foreseeable situations that would result in the absence of the single parent or dual-military couple in order to provide for the efficient transfer of responsibility for the minor dependents to an alternative caregiver; and

(B) are consistent with Department of Defense Instruction 1342.19, dated July 13, 1992, and any applicable regulations of the military department concerned; and

(2) the Secretary of Defense should establish procedures to ensure that if a single parent and both spouses in a dual-military couple are required to deploy to a covered area—

(A) requests by the single parent or dual-military couple for deferments of deployment due to unforeseen circumstances are evaluated rapidly; and

(B) appropriate steps are taken to ensure adequate care for minor dependents of the single parent or dual-military couple.

(b) DEFINITIONS.—In this section:

(1) COVERED AREA.—The term ''covered area'' means an area for which special pay for duty subject to hostile fire or imminent danger is authorized under section 310 of title 37, United States Code.

(2) DUAL-MILITARY COUPLE.—The term ''dual-military couple'' means a married couple in which both spouses are members of the Armed Forces.

AMENDMENT NO. 2201

(Purpose: To amend the American Servicemembers' Protection Act of 2002 to repeal the limitations on providing United States military assistance to parties to the International Criminal Court)

At the end of subtitle A of title XII, add the following:

SEC. 1205. REPEAL OF LIMITATIONS ON MILITARY ASSISTANCE UNDER THE AMERICAN SERVICEMEMBERS' PROTECTION ACT OF 2002.

(a) REPEAL OF LIMITATIONS.—Section 2007 of the American Servicemembers' Protection Act of 2002 (22 U.S.C. 7426) is repealed.

(b) CONFORMING AMENDMENTS.—Such Act is further amended—

(1) in section 2003 (22 U.S.C. 7422)—

(A) in subsection (a)—

(i) in the heading, by striking ''SECTIONS 5 AND 7'' and inserting ''SECTION 2005''; and

(ii) by striking ''sections 2005 and 2007'' and inserting ''section 2005'';

(B) in subsection (b)—

(i) in the heading, by striking ''SECTIONS 5 AND 7'' and inserting ''SECTION 2005''; and

(ii) by striking ''sections 2005 and 2007'' and inserting ''section 2005'';

(C) in subsection (c)(2)(A), by striking ''sections 2005 and 2007'' and inserting ''section 2005'';

(D) in subsection (d), by striking ''sections 2005 and 2007'' and inserting ''section 2005''; and

(E) in subsection (e), by striking ''2006, and 2007'' and inserting ''and 2006''; and

(2) in section 2013 (22 U.S.C. 7432), by striking paragraph (13).

AMENDMENT NO. 2200

(Purpose: To prescribe that members of the Armed Forces and veterans out of uniform may render the military salute during hoisting, lowering, or passing of flag)

At the end of subtitle E of title X, add the following:

SEC. 1070. CONDUCT BY MEMBERS OF THE ARMED FORCES AND VETERANS OUT OF UNIFORM DURING HOISTING, LOWERING, OR PASSING OF FLAG.

Section 9 of title 4, United States Code, is amended by striking ''all persons present'' and all that follows through the end and inserting ''those present in uniform should render the military salute. Members of the Armed Forces and veterans who are present but not in uniform may render the military salute. All other persons present should face the flag and stand at attention with their right hand over the heart, or if applicable, remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Citizens of other countries should stand at attention. All such conduct toward the flag in a moving column should be rendered at the moment the flag passes.''.

AMENDMENT NO. 2112

(Purpose: To require studies on support services for families of members of the Active and Reserve components who are undergoing deployment)

At the end of subtitle G of title V, add the following:

SEC. 583. STUDY ON IMPROVING SUPPORT SERVICES FOR CHILDREN, INFANTS, AND TODDLERS OF MEMBERS OF THE ACTIVE AND RESERVE COMPONENTS UNDERGOING DEPLOYMENT.

(a) STUDY REQUIRED.—

(1) STUDY.—The Secretary of Defense shall conduct a study to evaluate the feasibility and advisability of entering into a contract or other agreement with a private sector entity having expertise in the health and well-being of families and children, infants, and toddlers in order to enhance and develop support services for children of members of the Active and Reserve components who are deployed.

(2) TYPES OF SUPPORT SERVICES.—In conducting the study, the Secretary shall consider the need—

(A) to develop materials for parents and other caretakers of children of members of the Active and Reserve components who are deployed to assist such parents and caretakers in responding to the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children, including the role such parents and caretakers can play in addressing and mitigating such implications;

(B) to develop programs and activities to increase awareness throughout the military and civilian communities of the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children and their families and to increase collaboration within such communities to address and mitigate such implications;

(C) to develop training for early child care and education, mental health, health care, and family support professionals to enhance the awareness of such professionals of their role in assisting families in addressing and mitigating the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children; and

(D) to conduct research on best practices for building psychological and emotional resiliency in such children in coping with the deployment of such members.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the results of the study conducted under subsection (a).

SEC. 584. STUDY ON ESTABLISHMENT OF PILOT PROGRAM ON FAMILY-TO-FAMILY SUPPORT FOR FAMILIES OF DEPLOYED MEMBERS OF THE ACTIVE AND RESERVE COMPONENTS AND RESERVE.

(a) STUDY.—The Secretary of Defense shall carry out a study to evaluate the feasibility and advisability of establishing a pilot program on family-to-family support for families of deployed members of the Active and Reserve components. The study shall include an assessment of the following:

(1) The effectiveness of family-to-family support programs in—

(A) providing peer support for families of deployed members of the Active and Reserve components;

(B) identifying and preventing family problems in such families;

(C) reducing adverse outcomes for children of such families, including poor academic performance, behavioral problems, stress, and anxiety; and

(D) improving family readiness and post-deployment transition for such families.

(2) The feasibility and advisability of utilizing spouses of members of the Armed Forces as counselors for families of deployed members of the Active and Reserve components, in order to assist such families in coping throughout the deployment cycle.

(3) Best practices for training spouses of members of the Armed Forces to act as counselors for families of deployed members of the Active and Reserve components.

(b) REPORT.—The Secretary of Defense shall submit to Congress a report containing the results of the study conducted under subsection (a) not later than 180 days after the date of the enactment of this Act.

AMENDMENT NO. 2099

(Purpose: To extend the date on which the National Security Personnel System will first apply to certain defense laboratories)

On page 354, after line 24, add the following:

SEC. 1070. EXTENSION OF DATE OF APPLICATION OF NATIONAL SECURITY PERSONNEL SYSTEM TO DEFENSE LABORATORIES.

Section 9902(c)(1) of title 5, United States Code, is amended by striking ''October 1, 2008'' each place such term appears and inserting ''October 1, 2011'' in each such place.

AMENDMENT NO. 2212

(Purpose: To authorize the Secretary of Defense to provide for the protection of certain individuals)

At the end of title X, add the following:

SEC. 1070. PROTECTION OF CERTAIN INDIVIDUALS.

(a) PROTECTION FOR DEPARTMENT LEADERSHIP.—The Secretary of Defense, under regulations prescribed by the Secretary and in accordance with guidelines approved by the Secretary and the Attorney General, may authorize qualified members of the Armed Forces and qualified civilian employees of the Department of Defense to provide physical protection and security within the United States to the following persons who, by nature of their positions, require continuous security and protection:

(1) Secretary of Defense.

(2) Deputy Secretary of Defense.

(3) Chairman of the Joint Chiefs of Staff.

(4) Vice Chairman of the Joint Chiefs of Staff.

(5) Secretaries of the military departments.

(6) Chiefs of the Services.

(7) Commanders of combatant commands.

(b) PROTECTION FOR ADDITIONAL PERSONNEL.—

(1) AUTHORITY TO PROVIDE.—The Secretary of Defense, under regulations prescribed by the Secretary and in accordance with guidelines approved by the Secretary and the Attorney General, may authorize qualified members of the Armed Forces and qualified civilian employees of the Department of Defense to provide physical protection and security within the United States to individuals other than individuals described in paragraphs (1) through (7) of subsection (a) if the Secretary determines that such protection is necessary because—

(A) there is an imminent and credible threat to the safety of the individual for whom protection is to be provided; or

(B) compelling operational considerations make such protection essential to the conduct of official Department of Defense business.

(2) PERSONNEL.—Individuals authorized to receive physical protection and security under this subsection include the following:

(A) Any official, military member, or employee of the Department of Defense, including such a former or retired official who faces serious and credible threats arising from duties performed while employed by the Department.

(B) Any distinguished foreign visitor to the United States who is conducting official business with the Department of Defense.

(C) Any member of the immediate family of a person authorized to receive physical protection and security under this section.

(3) LIMITATION ON DELEGATION.—The authority of the Secretary of Defense to authorize the provision of physical protection and security under this subsection may be delegated only to the Deputy Secretary of Defense.

(4) REQUIREMENT FOR WRITTEN DETERMINATION.—A determination of the Secretary of Defense to provide physical protection and security under this subsection shall be in writing, shall be based on a threat assessment by an appropriate law enforcement, security or intelligence organization, and shall include the name and title of the officer, employee, or other individual affected, the reason for such determination, and the duration of the authorized protection and security for such officer, employee, or individual.

(5) DURATION OF PROTECTION.—

(A) INITIAL PERIOD OF PROTECTION.—After making a written determination under paragraph (4), the Secretary of Defense may provide protection and security to an individual under this subsection for an initial period of not more than 90 calendar days.

(B) SUBSEQUENT PERIOD.—If, at the end of the 90-day period that protection and security is provided to an individual under subsection (A), the Secretary determines that a condition described in subparagraph (A) or (B) of paragraph (1) continues to exist with respect to the individual, the Secretary may extend the period that such protection and security is provided for additional 60-day periods. The Secretary shall review such a determination at the end of each 60-day period to determine whether to continue to provide such protection and security.

(C) REQUIREMENT FOR COMPLIANCE WITH REGULATIONS.—Protection and security provided under subparagraph (B) shall be provided in accordance with the regulations and guidelines referred to in paragraph (1).

(6) SUBMISSION TO CONGRESS.—

(A) IN GENERAL.—The Secretary of Defense shall submit to the congressional defense committees a report of each determination made under paragraph (4) to provide protection and security to an individual and of each determination under paragraph (5)(B) to

extend such protection and security, together with the justification for such determination, not later than 30 days after the date on which the determination is made.

(B) FORM OF REPORT.—A report submitted under subparagraph (A) may be made in classified form.

(c) DEFINITIONS.—In this section:

(1) CONGRESSIONAL DEFENSE COMMITTEES.—The term ''congressional defense committees'' means the Committee on Appropriations and the Committee on Armed Services of the Senate and the Committee on Appropriations and the Committee on Armed Services of the House of Representatives.

(2) QUALIFIED MEMBERS OF THE ARMED FORCES AND QUALIFIED CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.—The terms ''qualified members of the Armed Forces and qualified civilian employees of the Department of Defense'' refer collectively to members or employees who are assigned to investigative, law enforcement, or security duties of any of the following:

(A) The U.S. Army Criminal Investigation Command.

(B) The Naval Criminal Investigative Service.

(C) The U.S. Air Force Office of Special Investigations.

(D) The Defense Criminal Investigative Service.

(E) The Pentagon Force Protection Agency.

(d) CONSTRUCTION.—

(1) NO ADDITIONAL LAW ENFORCEMENT OR ARREST AUTHORITY.—Other than the authority to provide security and protection under this section, nothing in this section may be construed to bestow any additional law enforcement or arrest authority upon the qualified members of the Armed Forces and qualified civilian employees of the Department of Defense.

(2) AUTHORITIES OF OTHER DEPARTMENTS.—Nothing in this section may be construed to preclude or limit, in any way, the express or implied powers of the Secretary of Defense or other Department of Defense officials, or the duties and authorities of the Secretary of State, the Director of the United States Secret Service, the Director of the United States Marshals Service, or any other Federal law enforcement agency.

AMENDMENT NO. 2222

(Purpose: To prevent nuclear terrorism, and for other purposes)

At the end of title XXXI, add the following:

Subtitle D—Nuclear Terrorism Prevention

SEC. 3131. DEFINITIONS.

In this subtitle:

(1) The term ''Convention on the Physical Protection of Nuclear Material'' means the Convention on the Physical Protection of Nuclear Material, signed at New York and Vienna March 3, 1980.

(2) The term ''formula quantities of strategic special nuclear material'' means uranium–235 (contained in uranium enriched to 20 percent or more in the U–235 isotope), uranium–233, or plutonium in any combination in a total quantity of 5,000 grams or more computed by the formula, grams = (grams contained U–235) + 2.5 (grams U–233 + grams plutonium), as set forth in the definitions of ''formula quantity'' and ''strategic special nuclear material'' in section 73.2 of title 10, Code of Federal Regulations.

(3) The term ''Nuclear Non-Proliferation Treaty'' means the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (21 UST 483).

(4) The term ''nuclear weapon'' means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for the development of, a weapon, a weapon prototype, or a weapon test device.

SEC. 3132. FINDINGS.

Congress makes the following findings:

(1) The possibility that terrorists may acquire and use a nuclear weapon against the United States is the most horrific threat that our Nation faces.

(2) The September 2006 ''National Strategy for Combating Terrorism'' issued by the White House states, ''Weapons of mass destruction in the hands of terrorists is one of the gravest threats we face.''

(3) Former Senator and cofounder of the Nuclear Threat Initiative Sam Nunn has stated, ''Stockpiles of loosely guarded nuclear weapons material are scattered around the world, offering inviting targets for theft or sale. We are working on this, but I believe that the threat is outrunning our response.''.

(4) Existing programs intended to secure, monitor, and reduce nuclear stockpiles, redirect nuclear scientists, and interdict nuclear smuggling have made substantial progress, but additional efforts are needed to reduce the threat of nuclear terrorism as much as possible.

(5) Former United Nations Secretary-General Kofi Annan has said that a nuclear terror attack ''would not only cause widespread death and destruction, but would stagger the world economy and thrust tens of millions of people into dire poverty''.

(6) United Nations Security Council Resolution 1540 (2004) reaffirms the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts, and directs all countries, in accordance with their national procedures, to adopt and enforce effective laws that prohibit any non-state actor from manufacturing, acquiring, possessing, developing, transporting, transferring, or using nuclear, chemical, or biological weapons and their means of delivery, in particular for terrorist purposes, and to prohibit attempts to engage in any of the foregoing activities, participate in them as an accomplice, or assist or finance them.

(7) The Director General of the International Atomic Energy Agency, Dr. Mohammed ElBaradei, has said that it is a ''race against time'' to prevent a terrorist attack using a nuclear weapon.

(8) The International Atomic Energy Agency plays a vital role in coordinating efforts to protect nuclear materials and to combat nuclear smuggling.

(9) Legislation sponsored by Senator Richard Lugar, Senator Pete Domenici, and former Senator Sam Nunn has resulted in groundbreaking programs to secure nuclear weapons and materials and to help ensure that such weapons and materials do not fall into the hands of terrorists.

SEC. 3133. SENSE OF CONGRESS ON THE PREVENTION OF NUCLEAR TERRORISM.

It is the sense of Congress that—

(1) the President should make the prevention of a nuclear terrorist attack on the United States of the highest priority;

(2) the President should accelerate programs, requesting additional funding as appropriate, to prevent nuclear terrorism, including combating nuclear smuggling, securing and accounting for nuclear weapons, and eliminating, removing, or securing and accounting for formula quantities of strategic special nuclear material wherever such quantities may be;

(3) the United States, together with the international community, should take a comprehensive approach to reducing the danger of nuclear terrorism, including by making additional efforts to identify and eliminate terrorist groups that aim to acquire nuclear weapons, to ensure that nuclear weapons worldwide are secure and accounted for and that formula quantities of strategic special nuclear material worldwide are eliminated, removed, or secure and accounted for to a degree sufficient to defeat the threat that terrorists and criminals have shown they can pose, and to increase the ability to find and stop terrorist efforts to manufacture nuclear explosives or to transport nuclear explosives and materials anywhere in the world;

(4) within such a comprehensive approach, a high priority must be placed on ensuring that all nuclear weapons worldwide are secure and accounted for and that all formula quantities of strategic special nuclear material worldwide are eliminated, removed, or secure and accounted for; and

(5) the International Atomic Energy Agency should be funded appropriately to fulfill its role in coordinating international efforts to protect nuclear material and to combat nuclear smuggling.

SEC. 3134. MINIMUM SECURITY STANDARD FOR NUCLEAR WEAPONS AND FORMULA QUANTITIES OF STRATEGIC SPECIAL NUCLEAR MATERIAL.

(a) POLICY.—It is the policy of the United States to work with the international community to take all possible steps to ensure that all nuclear weapons around the world are secure and accounted for and that all formula quantities of strategic special nuclear material are eliminated, removed, or secure and accounted for to a level sufficient to defeat the threats posed by terrorists and criminals.

(b) INTERNATIONAL NUCLEAR SECURITY STANDARD.—In furtherance of the policy described in subsection (a), and consistent with the requirement for ''appropriate effective'' physical protection contained in United Nations Security Council Resolution 1540 (2004), as well as the Nuclear Non-Proliferation Treaty and the Convention on the Physical Protection of Nuclear Material, the President, in consultation with relevant Federal departments and agencies, shall seek the broadest possible international agreement on a global standard for nuclear security that—

(1) ensures that nuclear weapons and formula quantities of strategic special nuclear material are secure and accounted for to a sufficient level to defeat the threats posed by terrorists and criminals;

(2) takes into account the limitations of equipment and human performance; and

(3) includes steps to provide confidence that the needed measures have in fact been implemented.

(c) INTERNATIONAL EFFORTS.—In furtherance of the policy described in subsection (a), the President, in consultation with relevant Federal departments and agencies, shall—

(1) work with other countries and the International Atomic Energy Agency to assist as appropriate, and if necessary, work to convince, the governments of any and all countries in possession of nuclear weapons or formula quantities of strategic special nuclear material to ensure that security is upgraded to meet the standard described in subsection (b) as rapidly as possible and in a manner that—

(A) accounts for the nature of the terrorist and criminal threat in each such country; and

(B) ensures that any measures to which the United States and any such country agree are sustained after United States and other international assistance ends;

(2) ensure that United States financial and technical assistance is available as appropriate to countries for which the provision of such assistance would accelerate the implementation of, or improve the effectiveness of, such security upgrades; and

(3) work with the governments of other countries to ensure that effective nuclear security rules, accompanied by effective regulation and enforcement, are put in place to govern all nuclear weapons and formula quantities of strategic special nuclear material around the world.

SEC. 3135. ANNUAL REPORT.

(a) IN GENERAL.—Not later than September 1 of each year, the President, in consultation with relevant Federal departments and agencies, shall submit to Congress a report on the security of nuclear weapons, formula quantities of strategic special nuclear material, radiological materials, and related equipment worldwide.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) A section on the programs for the security and accounting of nuclear weapons and the elimination, removal, and security and accounting of formula quantities of strategic special nuclear material and radiological materials, established under section 3132(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2569(b)), which shall include the following:

(A) A survey of the facilities and sites worldwide that contain nuclear weapons or related equipment, formula quantities of strategic special nuclear material, or radiological materials.

(B) A list of such facilities and sites determined to be of the highest priority for security and accounting of nuclear weapons and related equipment, or the elimination, removal, or security and accounting of formula quantities of strategic special nuclear material and radiological materials, taking into account risk of theft from such facilities and sites, and organized by level of priority.

(C) A prioritized diplomatic and technical plan, including measurable milestones, metrics, estimated timetables, and estimated costs of implementation, on the following:

(i) The security and accounting of nuclear weapons and related equipment and the elimination, removal, or security and accounting of formula quantities of strategic special nuclear material and radiological materials at such facilities and sites worldwide.

(ii) Ensuring that security upgrades and accounting reforms implemented at such facilities and sites worldwide using the financial and technical assistance of the United States are effectively sustained after such assistance ends.

(iii) The role that international agencies and the international community have committed to play, together with a plan for securing contributions.

(D) An assessment of the progress made in implementing the plan described in subparagraph (C), including a description of the efforts of foreign governments to secure and account for nuclear weapons and related equipment and to eliminate, remove, or secure and account for formula quantities of strategic special nuclear material and radiological materials.

(2) A section on efforts to establish and implement the international nuclear security standard described in section 3134(b) and related policies.

(c) FORM.—The report may be submitted in classified form but shall include a detailed unclassified summary.

AMENDMENT NO. 2230, AS MODIFIED

Strike section 1215 and insert the following:

SEC. 1215. LIMITATION ON ASSISTANCE TO THE GOVERNMENT OF THAILAND.

(a) FINDINGS.—Congress makes the following findings:

(1) Thailand is an important strategic ally and economic partner of the United States.

(2) The United States strongly supports the prompt restoration of democratic rule in Thailand.

(3) While it is in the interest of the United States to have a robust defense relationship with Thailand, it is appropriate that the United States has curtailed certain military-to-military cooperation and assistance programs until democratic rule has been restored in Thailand.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Thailand should continue on the path to restore democratic rule as quickly as possible, and should hold free and fair national elections as soon as possible and no later than December 2007; and

(2) once Thailand has fully reestablished democratic rule, it will be both possible and desirable for the United States to reinstate a full program of military assistance to the Government of Thailand, including programs such as International Military Education and Training (IMET) and Foreign Military Financing (FMF) that were appropriately suspended following the military coup in Thailand in September 2006.

(c) LIMITATION.—No funds authorized to be appropriated by this Act may be obligated or expended to provide direct assistance to the Government of Thailand to initiate new military assistance activities until 15 days after the Secretary of Defense notifies the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives of the intent of the Secretary to carry out such new types of military assistance activities with Thailand.

(d) EXCEPTION.—The limitation in subsection (c) shall not apply with respect to funds as follows:

(1) Amounts authorized to be appropriated for Overseas Humanitarian, Disaster, and Civic Aid.

(2) Amounts otherwise authorized to be appropriated by this Act and available for humanitarian or emergency assistance for other nations.

(e) NEW MILITARY ASSISTANCE ACTIVITIES DEFINED.—In this section, the term ''new military assistance activities'' means military assistance activities that have not been undertaken between the United States and Thailand during fiscal year 2007.

AMENDMENT NO. 2234, AS MODIFIED

At the end of subtitle E of title III, the following:

SEC. 358. AUTHORITY FOR DEPARTMENT OF DEFENSE TO PROVIDE SUPPORT FOR CERTAIN SPORTING EVENTS.

(a) PROVISION OF SUPPORT.—Section 2564 of title 10, United States Code, is amended—

(1) in subsection (c), by adding at the end the following new paragraphs:

''(4) A sporting event sanctioned by the United States Olympic Committee through the Paralympic Military Program.

''(5) Any national or international paralympic sporting event (other than a sporting event described in paragraphs (1) through (4))—

''(A) that—

''(i) is held in the United States or any of its territories or commonwealths;

''(ii) is governed by the International Paralympic Committee; and

''(iii) is sanctioned by the United States Olympic Committee;

''(B) for which participation exceeds 100 amateur athletes; and

''(C) in which at least 10 percent of the athletes participating in the sporting event are members or former members of the armed forces who are participating in the sporting event based upon an injury or wound incurred in the line of duty in the armed force and veterans who are participating in the sporting event based upon a service-connected disability.''; and

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

''(g) FUNDING FOR SUPPORT OF CERTAIN EVENTS.—(1) Amounts for the provision of support for a sporting event described in paragraph (4) or (5) of subsection (c) may be derived from the Support for International Sporting Competitions, Defense account established by section 5802 of the Omnibus Consolidated Appropriations Act, 1997 (10 U.S.C. 2564 note), notwithstanding any limitation under that section relating to the availability of funds in such account for the provision of support for international sporting competitions.

''(2) The total amount expended for any fiscal year to provide support for sporting events described in subsection (c)(5) may not exceed $1,000,000.''.

(b) SOURCE OF FUNDS.—Section 5802 of the Omnibus Consolidated Appropriations Act, 1997 (10 U.S.C. 2564 note) is amended—

(1) by inserting after ''international sporting competitions'' the following: ''and for support of sporting competitions authorized under section 2564(c)(4) and (5), of title 10, United States Code,''; and

(2) by striking ''45 days'' and inserting ''15 days''.

AMENDMENT NO. 2272

(Purpose: To extend and modify the authorities on Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack)

At the end of subtitle E of title X, add the following:

SEC. 1070. MODIFICATION OF AUTHORITIES ON COMMISSION TO ASSESS THE THREAT TO THE UNITED STATES FROM ELECTROMAGNETIC PULSE ATTACK.

(a) EXTENSION OF DATE OF SUBMITTAL OF FINAL REPORT.—Section 1403(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 50 U.S.C. 2301 note) is amended by striking ''June 30, 2007'' and inserting ''November 30, 2008''.

(b) COORDINATION OF WORK WITH DEPARTMENT OF HOMELAND SECURITY.—Section 1404 of such Act is amended by adding at the end the following new subsection:

''(c) COORDINATION WITH DEPARTMENT OF HOMELAND SECURITY.—The Commission and the Secretary of Homeland Security shall jointly ensure that the work of the Commission with respect to electromagnetic pulse attack on electricity infrastructure, and protection against such attack, is coordinated with Department of Homeland Security efforts on such matters.''.

(c) LIMITATION ON DEPARTMENT OF DEFENSE FUNDING.—The aggregate amount of funds provided by the Department of Defense to the Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack for purposes of the preparation and submittal of the final report required by section 1403(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as amended by subsection (a)), whether by transfer or otherwise and including funds provided the Commission before the date of the enactment of this Act, shall not exceed $5,600,000.

AMENDMENT NO. 2220

(Purpose: To authorize the payment of inactive duty training travel costs for certain Selected Reserve members)

At the end of subtitle A of title VI, add the following:

SEC. 604. PAYMENT OF INACTIVE DUTY TRAINING TRAVEL COSTS FOR CERTAIN SELECTED RESERVE MEMBERS.

(a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 408 the following new section:

''§ 408a. Travel and transportation allowances: inactive duty training

''(a) ALLOWANCE AUTHORIZED.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may reimburse a member of the Selected Reserve of the Ready Reserve described in subsection (b) for travel expenses for travel to an inactive duty training location to perform inactive duty training.

''(b) ELIGIBLE MEMBERS.—A member of the Selected Reserve of the Ready Reserve described in this subsection is a member who—

''(1) is—

''(A) qualified in a skill designated as critically short by the Secretary concerned;

''(B) assigned to a unit of the Selected Reserve with a critical manpower shortage, or is in a pay grade in the member's reserve component with a critical manpower shortage; or

''(C) assigned to a unit or position that is disestablished or relocated as a result of defense base closure or realignment or another force structure reallocation; and

''(2) commutes a distance from the member's permanent residence to the member's inactive duty training location that is outside the normal commuting distance (as determined under regulations prescribed by the Secretary of Defense) for that commute.

''(c) MAXIMUM AMOUNT.—The maximum amount of reimbursement provided a member under subsection (a) for each round trip to a training location shall be $300.

''(d) TERMINATION.—No reimbursement may be provided under this section for travel that occurs after December 31, 2010.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 408 the following new item:

''408a. Travel and transportation allowances: inactive duty training.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2007. No reimbursement may be provided under section 408a of title 37, United States Code (as added by subsection (a)), for travel costs incurred before October 1, 2007.

AMENDMENT NO. 2276

(Purpose: To require a report on the implementation of the green procurement policy of the Department of Defense)

At the end of title VIII, add the following:

SEC. 876. GREEN PROCUREMENT POLICY.

(a) FINDINGS.—The Senate makes the following findings:

(1) On September 1, 2004, the Department of Defense issued its green procurement policy. The policy affirms a goal of 100 percent compliance with Federal laws and executive orders requiring purchase of environmentally friendly, or green, products and services. The policy also outlines a strategy for meeting those requirements along with metrics for measuring progress.

(2) On September 13, 2006, the Department of Defense hosted a biobased product showcase and educational event which underscores the importance and seriousness with which the Department is implementing its green procurement program.

(3) On January 24, 2007, President Bush signed Executive Order 13423: Strengthening Federal Environmental, Energy, and Transportation Management, which contains the requirement that Federal agencies procure biobased and environmentally preferable products and services.

(4) Although the Department of Defense continues to work to become a leading advocate of green procurement, there is concern that there is not a procurement application or process in place at the Department that supports compliance analysis.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Department of Defense should establish a system to document and track the use of environmentally preferable products and services.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on its plan to increase the usage of environmentally friendly products that minimize potential impacts to human health and the environment at all Department of Defense facilities inside and outside the United States, including through the direct purchase of products and the purchase of products by facility maintenance contractors.

AMENDMENT NO. 2257

(Purpose: To provide that the study on the national security interagency system shall focus on improving interagency cooperation in post-conflict contingency relief and reconstruction operations)

At the end of section 1043, insert the following:

(f) FOCUS ON IMPROVING INTERAGENCY COOPERATION IN POST-CONFLICT CONTINGENCY RELIEF AND RECONSTRUCTION OPERATIONS.—

(1) FINDINGS.—Congress makes the following findings:

(A) The interagency coordination and integration of the United States Government for the planning and execution of overseas post-conflict contingency relief and reconstruction operations requires reform.

(B) Recent operations, most notably in Iraq, lacked the necessary consistent and effective interagency coordination and integration in planning and execution.

(C) Although the unique circumstances associated with the Iraq reconstruction effort are partly responsible for this weak coordination, existing structural weaknesses within the planning and execution processes for such operations indicate that the problems encountered in the Iraq program could recur in future operations unless action is taken to reform and improve interdepartmental integration in planning and execution.

(D) The agencies involved in the Iraq program have attempted to adapt to the relentless demands of the reconstruction effort, but more substantive and permanent reforms are required for the United States Government to be optimally prepared for future operations.

(E) The fresh body of evidence developed from the Iraq relief and reconstruction experience provides a good basis and timely opportunity to pursue meaningful improvements within and among the departments charged with managing the planning and execution of such operations.

(F) The success achieved in departmental integration of overseas conflict management through the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99–433; 100 Stat. 992) provides precedent for Congress to consider legislation designed to promote increased cooperation and integration among the primary Federal departments and agencies charged with managing post-conflict contingency reconstruction and relief operations.

(2) INCLUSION IN STUDY.—The study conducted under subsection (a) shall include the following elements:

(A) A synthesis of past studies evaluating the successes and failures of previous interagency efforts at planning and executing post-conflict contingency relief and reconstruction operations, including relief and reconstruction operations in Iraq.

(B) An analysis of the division of duties, responsibilities, and functions among executive branch agencies for such operations and recommendations for administrative and regulatory changes to enhance integration.

(C) Recommendations for legislation that would improve interagency cooperation and integration and the efficiency of the United States Government in the planning and execution of such operations.

(D) Recommendations for improvements in congressional, executive, and other oversight structures and procedures that would enhance accountability within such operations.

AMENDMENT NO. 2281

(Purpose: To require a report on the control of the brown tree snake)

At the end of subtitle B of title III, add the following:

SEC. 314. REPORT ON CONTROL OF THE BROWN TREE SNAKE.

(a) FINDINGS.—Congress makes the following findings:

(1) The brown tree snake (Boiga irregularis), an invasive species, is found in significant numbers on military installations and in other areas on Guam, and constitutes a serious threat to the ecology of Guam.

(2) If introduced into Hawaii, the Commonwealth of the Northern Mariana Islands, or the continental United States, the brown tree snake would pose an immediate and serious economic and ecological threat.

(3) The most probable vector for the introduction of the brown tree snake into Hawaii, the Commonwealth of the Northern Mariana Islands, or the continental United States is the movement from Guam of military aircraft, personnel, and cargo, including the household goods of military personnel.

(4) It is probable that the movement of military aircraft, personnel, and cargo, including the household goods of military personnel, from Guam to Hawaii, the Commonwealth of the Northern Mariana Islands, or the continental United States will increase significantly coincident with the increase in the number of military units and personnel stationed on Guam,

(5) Current policies, programs, procedures, and dedicated resources of the Department of Defense and of other departments and agencies of the United States may not be sufficient to adequately address the increasing threat of the introduction of the brown tree snake from Guam into Hawaii, the Commonwealth of the Northern Mariana Islands, or the continental United States.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the following:

(1) The actions currently being taken (including the resources being made available) by the Department of Defense to control, and to develop new or existing techniques to control, the brown tree snake on Guam and to ensure that the brown tree snake is not introduced into Hawaii, the Commonwealth of

the Northern Mariana Island, or the continental United States as a result of the movement from Guam of military aircraft, personnel, and cargo, including the household goods of military personnel.

(2) Current plans for enhanced future actions, policies, and procedures and increased levels of resources in order to ensure that the projected increase of military personnel stationed on Guam does not increase the threat of introduction of the brown tree snake from Guam into Hawaii, the Commonwealth of the Northern Mariana Islands, or the continental United States.

AMENDMENT NO. 2250

(Purpose: To provide for a review of licensed mental health counselors, social workers, and marriage and family therapists under the TRICARE program)

At the end of title VII, add the following:

SEC. 703. REVIEW OF LICENSED MENTAL HEALTH COUNSELORS, SOCIAL WORKERS, AND MARRIAGE AND FAMILY THERAPISTS UNDER THE TRICARE PROGRAM.

(a) REVIEW REQUIRED.—The Secretary of Defense shall enter into a contract with the Institute of Medicine of the National Academy of Sciences, or another similarly qualified independent academic medical organization, for the purpose of—

(1) conducting an independent study of the comparability of credentials, preparation, and training of individuals practicing as licensed mental health counselors, social workers, and marriage and family therapists under the TRICARE program to provide mental health services; and

(2) making recommendations for permitting such professionals to practice independently under the TRICARE program.

(b) ELEMENTS.—The study required by subsection (a) shall provide for each of the health care professions referred to in subsection (a)(1) the following:

(1) An assessment of the educational requirements and curriculums relevant to mental health practice for members of such profession, including types of degrees recognized, certification standards for graduate programs for such profession, and recognition of undergraduate coursework for completion of graduate degree requirements.

(2) An assessment of State licensing requirements for members of such profession, including for each level of licensure if a State issues more than one type of license for the profession. The assessment shall examine requirements in the areas of education, training, examination, continuing education, and ethical standards, and shall include an evaluation of the extent to which States, through their scope of practice, either implicitly or explicitly authorize members of such profession to diagnose and treat mental illnesses.

(3) An analysis of the requirements for clinical experience in such profession to be recognized under regulations for the TRICARE program, and recommendations, if any, for standardization or adjustment of such requirements with those of the other professions.

(4) An assessment of the extent to which practitioners under such profession are authorized to practice independently under other Federal programs (such as the Medicare program, the Department of Veterans Affairs, the Indian Health Service, Head Start, and the Federal Employee Health Benefits Program), and a review the relationship, if any, between recognition of such profession under the Medicare program and independent practice authority for such profession under the TRICARE program.

(5) An assessment of the extent to which practitioners under such profession are authorized to practice independently under private insurance plans. The assessment shall identify the States having laws requiring private insurers to cover, or offer coverage of, the services of members of such profession, and shall identify the conditions, if any, that are placed on coverage of practitioners under such profession by insurance plans and how frequently these types of conditions are used by insurers.

(6) An historical review of the regulations issued by the Department of Defense regarding which members of such profession are recognized as providers under the TRICARE program as independent practitioners, and an examination of the recognition by the Department of third party certification for members of such profession.

(c) PROVIDERS STUDIED.—It the sense of Congress that the study required by subsection (a) should focus only on those practitioners of each health care profession referred to in subsection (a)(1) who are permitted to practice under regulations for the TRICARE program as specified in section 119.6 of title 32, Code of Federal Regulations.

(d) CLINICAL CAPABILITIES STUDIES.—The study required by subsection (a) shall include a review of outcome studies and of the literature regarding the comparative quality and effectiveness of care provided by practitioners within each of the health care professions referred to in subsection (a)(1), and provide an independent review of the findings.

(e) RECOMMENDATIONS FOR TRICARE INDEPENDENT PRACTICE AUTHORITY.—The recommendations provided under subsection (a)(2) shall include specific recommendation (whether positive or negative) regarding modifications of current policy for the TRICARE program with respect to allowing members of each of the health care professions referred to in subsection (a)(1) to practice independently under the TRICARE program, including recommendations regarding possible revision of requirements for recognition of practitioners under each such profession.

(f) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review required by subsection (a).

AMENDMENT NO. 2254

(Purpose: To require a Department of Defense Inspector General report on physical security of Department of Defense installations)

At the end of subtitle E of title III, add the following:

SEC. 358. DEPARTMENT OF DEFENSE INSPECTOR GENERAL REPORT ON PHYSICAL SECURITY OF DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to Congress a report on the physical security of Department of Defense installations and resources.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An analysis of the progress in implementing requirements under the Physical Security Program as set forth in the Department of Defense Instruction 5200.08–R, Chapter 2 (C.2) and Chapter 3, Section 3: Installation Access (C3.3), which mandates the policies and minimum standards for the physical security of Department of Defense installations and resources.

(2) Recommendations based on the findings of the Comptroller General of the United States in the report required by section 344 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–366; 120 Stat. 2155).

(3) Recommendations based on the lessons learned from the thwarted plot to attack Fort Dix, New Jersey, in 2007.

AMENDMENT NO. 2268

(Purpose: To provide for an increase in the number of nurses and faculty)

At the end of subtitle D of title V, add the following:

SEC. 555. NURSE MATTERS.

(a) IN GENERAL.—The Secretary of Defense may provide for the carrying out of each of the programs described in subsections (b) through (f).

(b) SERVICE OF NURSE OFFICERS AS FACULTY IN EXCHANGE FOR COMMITMENT TO ADDITIONAL SERVICE IN THE ARMED FORCES.—

(1) IN GENERAL.—One of the programs under this section may be a program in which covered commissioned officers with a graduate degree in nursing or a related field who are in the nurse corps of the Armed Force concerned serve a tour of duty of two years as a full-time faculty member of an accredited school of nursing.

(2) COVERED OFFICERS.—A commissioned officer of the nurse corps of the Armed Forces described in this paragraph is a nurse officer on active duty who has served for more than nine years on active duty in the Armed Forces as an officer of the nurse corps at the time of the commencement of the tour of duty described in paragraph (1).

(3) BENEFITS AND PRIVILEGES.—An officer serving on the faculty of an accredited school or nursing under this subsection shall be accorded all the benefits, privileges, and responsibilities (other than compensation and compensation-related benefits) of any other comparably situated individual serving a full-time faculty member of such school.

(4) AGREEMENT FOR ADDITIONAL SERVICE.—Each officer who serves a tour of duty on the faculty of a school of nursing under this subsection shall enter into an agreement with the Secretary to serve upon the completion of such tour of duty for a period of four years for such tour of duty as a member of the nurse corps of the Armed Force concerned. Any service agreed to by an officer under this paragraph is in addition to any other service required of the officer under law.

(c) SERVICE OF NURSE OFFICERS AS FACULTY IN EXCHANGE FOR SCHOLARSHIPS FOR NURSE OFFICER CANDIDATES.—

(1) IN GENERAL.—One of the programs under this section may be a program in which commissioned officers with a graduate degree in nursing or a related field who are in the nurse corps of the Armed Force concerned serve while on active duty a tour of duty of two years as a full-time faculty member of an accredited school of nursing.

(2) BENEFITS AND PRIVILEGES.—An officer serving on the faculty of an accredited school of nursing under this subsection shall be accorded all the benefits, privileges, and responsibilities (other than compensation and compensation-related benefits) of any other comparably situated individual serving as a full-time faculty member of such school.

(3) SCHOLARSHIPS FOR NURSE OFFICER CANDIDATES.—(A) Each accredited school of nursing at which an officer serves on the faculty under this subsection shall provide scholarships to individuals undertaking an educational program at such school leading to a degree in nursing who agree, upon completion of such program, to accept a commission as an officer in the nurse corps of the Armed Forces.

(B) The total amount of funds made available for scholarships by an accredited school of nursing under subparagraph (A) for each officer serving on the faculty of that school under this subsection shall be not less than the amount equal to an entry-level full-time faculty member of that school for each year

that such officer so serves on the faculty of that school.

(C) The total number of scholarships provided by an accredited school of nursing under subparagraph (A) for each officer serving on the faculty of that school under this subsection shall be such number as the Secretary of Defense shall specify for purposes of this subsection.

(d) SCHOLARSHIPS FOR CERTAIN NURSE OFFICERS FOR EDUCATION AS NURSES.—

(1) IN GENERAL.—One of the programs under this section may be a program in which the Secretary provides scholarships to commissioned officers of the nurse corps of the Armed Force concerned described in paragraph (2) who enter into an agreement described in paragraph (4) for the participation of such officers in an educational program of an accredited school of nursing leading to a graduate degree in nursing.

(2) COVERED NURSE OFFICERS.—A commissioned officer of the nurse corps of the Armed Forces described in this paragraph is a nurse officer who has served not less than 20 years on active duty in the Armed Forces and is otherwise eligible for retirement from the Armed Forces.

(3) SCOPE OF SCHOLARSHIPS.—Amounts in a scholarship provided a nurse officer under this subsection may be utilized by the officer to pay the costs of tuition, fees, and other educational expenses of the officer in participating in an educational program described in paragraph (1).

(4) AGREEMENT.—An agreement of a nurse officer described in this paragraph is the agreement of the officer—

(A) to participate in an educational program described in paragraph (1); and

(B) upon graduation from such educational program—

(i) to serve not less than two years as a full-time faculty member of an accredited school of nursing; and

(ii) to undertake such activities as the Secretary considers appropriate to encourage current and prospective nurses to pursue service in the nurse corps of the Armed Forces.

(e) TRANSITION ASSISTANCE FOR RETIRING NURSE OFFICERS QUALIFIED AS FACULTY.—

(1) IN GENERAL.—One of the programs under this section may be a program in which the Secretary provides to commissioned officers of the nurse corps of the Armed Force concerned described in paragraph (2) the assistance described in paragraph (3) to assist such officers in obtaining and fulfilling positions as full-time faculty members of an accredited school of nursing after retirement from the Armed Forces.

(2) COVERED NURSE OFFICERS.—A commissioned officer of the nurse corps of the Armed Forces described in this paragraph is a nurse officer who—

(A) has served an aggregate of at least 20 years on active duty or in reserve active status in the Armed Forces;

(B) is eligible for retirement from the Armed Forces; and

(C) possesses a doctoral or master degree in nursing or a related field which qualifies the nurse officer to discharge the position of nurse instructor at an accredited school of nursing.

(3) ASSISTANCE.—The assistance described in this paragraph is assistance as follows:

(A) Career placement assistance.

(B) Continuing education.

(C) Stipends (in an amount specified by the Secretary).

(4) AGREEMENT.—A nurse officer provided assistance under this subsection shall enter into an agreement with the Secretary to serve as a full-time faculty member of an accredited school of nursing for such period as the Secretary shall provide in the agreement.

(f) BENEFITS FOR RETIRED NURSE OFFICERS ACCEPTING APPOINTMENT AS FACULTY.—

(1) IN GENERAL.—One of the programs under this section may be a program in which the Secretary provides to any individual described in paragraph (2) the benefits specified in paragraph (3).

(2) COVERED INDIVIDUALS.—An individual described in this paragraph is an individual who—

(A) is retired from the Armed Forces after service as a commissioned officer in the nurse corps of the Armed Forces;

(B) holds a graduate degree in nursing; and

(C) serves as a full-time faculty member of an accredited school of nursing.

(3) BENEFITS.—The benefits specified in this paragraph shall include the following:

(A) Payment of retired or retirement pay without reduction based on receipt of pay or other compensation from the institution of higher education concerned.

(B) Payment by the institution of higher education concerned of a salary and other compensation to which other similarly situated faculty members of the institution of higher education would be entitled.

(C) If the amount of pay and other compensation payable by the institution of higher education concerned for service as an associate full-time faculty member is less than the basic pay to which the individual was entitled immediately before retirement from the Armed Forces, payment of an amount equal to the difference between such basic pay and such payment and other compensation.

(g) ADMINISTRATION AND DURATION OF PROGRAMS.—

(1) IN GENERAL.—The Secretary shall establish requirements and procedures for the administration of the programs authorized by this section. Such requirements and procedures shall include procedures for selecting participating schools of nursing.

(2) DURATION.—Any program carried out under this section shall continue for not less than two years.

(3) ASSESSMENT.—Not later than two years after commencing any program under this section, the Secretary shall assess the results of such program and determine whether or not to continue such program. The assessment of any program shall be based on measurable criteria, information concerning results, and such other matters as the Secretary considers appropriate.

(4) CONTINUATION.—The Secretary may continue carrying out any program under this section that the Secretary determines, pursuant to an assessment under paragraph (3), to continue to carry out. In continuing to carry out a program, the Secretary may modify the terms of the program within the scope of this section. The continuation of any program may include its expansion to include additional participating schools of nursing.

(h) DEFINITIONS.—In this section, the terms ''school of nursing'' and ''accredited'' have the meaning given those terms in section 801 of the Public Health Service Act (42 U.S.C. 296).

AMENDMENT NO. 2292

(Purpose: To provide for continuity and efficiency of the depot operations of the Department of Defense to reset combat equipment and vehicles in support of the wars in Iraq and Afghanistan)

At the end of title III, add the following:

SEC. 358. CONTINUITY OF DEPOT OPERATIONS TO RESET COMBAT EQUIPMENT AND VEHICLES IN SUPPORT OF WARS IN IRAQ AND AFGHANISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States Armed Forces, particularly the Army and the Marine Corps, are currently engaged in a tremendous effort to reset equipment that was damaged and worn in combat operations in Iraq and Afghanistan.

(2) The implementing guidance from the Under Secretary of Defense for Acquisition, Technology, and Logistics related to the decisions of the 2005 Defense Base Closure and Realignment Commission (BRAC) to transfer depot functions appears not to differentiate between external supply functions and in-process storage functions related to the performance of depot maintenance.

(3) Given the fact that up to 80 percent of the parts involved in the vehicle reset process are reclaimed and refurbished, the transfer of this inherently internal depot maintenance function to the Defense Logistics Agency could severely disrupt production throughput, generate increased costs, and negatively impact Army and Marine Corps equipment reset efforts.

(4) The goal of the Department of Defense, the Defense Logistics Agency, and the 2005 Defense Base Closure and Realignment Commission is the reengineering of businesses processes in order to achieve higher efficiency and cost savings.

(b) REPORT.—

(1) IN GENERAL.—Not later than June 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the challenges of implementing the transfer of depot functions and the impacts on production, including parts reclamation and refurbishment.

(2) CONTENT.—The report required under paragraph (1) shall describe—

(A) the sufficiency of the business plan to transfer depot functions to accommodate a timely and efficient transfer without the disruption of depot production;

(B) a description of the completeness of the business plan in addressing part reclamation and refurbishment;

(C) the estimated cost of the implementation and what savings are likely be achieved;

(D) the impact of the transfer on the Defense Logistics Agency and depot hourly rates due to the loss of budgetary control of the depot commander over overtime pay for in-process parts supply personnel, and any other relevant rate-related factors;

(E) the number of personnel positions affected;

(F) the sufficiency of the business plan to ensure the responsiveness and availability of Defense Logistics supply personnel to meet depot throughput needs, including potential impact on depot turnaround time; and

(G) the impact of Defense Logistics personnel being outside the chain of command of the depot commander in terms of overtime scheduling and meeting surge requirements.

(3) GOVERNMENT ACCOUNTABILITY OFFICE ASSESSMENT.—Not later than September 30, 2008, the Comptroller General of the United States shall review the report submitted under paragraph (1) and submit to the congressional defense committees an independent assessment of the matters addressed in such report, as requested by the Chairman of the Committee on Armed Services of the House of Representatives.

AMENDMENT NO. 2305

(Purpose: To require a report on counternarcotics assistance for the Government of Haiti)

At the end of subtitle B of title X, add the following:

SEC. 1012. REPORT ON COUNTERNARCOTICS ASSISTANCE FOR THE GOVERNMENT OF HAITI.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this

Act, the President shall submit to Congress a report on counternarcotics assistance for the Government of Haiti.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include the following:

(1) A description and assessment of the counternarcotics assistance provided to the Government of Haiti by each of the Department of Defense, the Department of State, the Department of Homeland Security, and the Department of Justice.

(2) A description and assessment of any impediments to increasing counternarcotics assistance to the Government of Haiti, including corruption and lack of entities available to partner with in Haiti.

(3) An assessment of the feasability and advisability of providing additional counternarcotics assistance to the Government of Haiti, including an extension and expansion to the Government of Haiti of Department of Defense authority to provide support for counter-drug activities of certain foreign governments.

(4) An assessment of the potential for counternarcotics assistance for the Government of Haiti through the United Nations Stabilization Mission in Haiti.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

AMENDMENT NO. 2216

(Purpose: Relating to satisfaction by members of the National Guard and Reserve on active duty of applicable professional licensure and certification requirements)

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

SEC. 536. SATISFACTION OF PROFESSIONAL LICENSURE AND CERTIFICATION REQUIREMENTS BY MEMBERS OF THE NATIONAL GUARD AND RESERVE ON ACTIVE DUTY.

(a) ADDITIONAL PERIOD BEFORE RE-TRAINING OF NURSE AIDES IS REQUIRED UNDER THE MEDICARE AND MEDICAID PROGRAMS.—For purposes of subparagraph (D) of sections 1819(b)(5) and 1919(b)(5) of the Social Security Act (42 U.S.C. 1395i–3(b)(5), 1396r(b)(5)), if, since an individual's most recent completion of a training and competency evaluation program described in subparagraph (A) of such sections, the individual was ordered to active duty in the Armed Forces for a period of at least 12 months, and the individual completes such active duty service during the period beginning on July 1, 2007, and ending on September 30, 2008, the 24-consecutive-month period described subparagraph (D) of such sections with respect to the individual shall begin on the date on which the individual completes such active duty service. The preceding sentence shall not apply to an individual who had already reached such 24-consecutive-month period on the date on which such individual was ordered to such active duty service.

(b) REPORT ON RELIEF FROM REQUIREMENTS FOR NATIONAL GUARD AND RESERVE ON LONG-TERM ACTIVE DUTY.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth recommendations for such legislative action as the Secretary considers appropriate (including amendments to the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.)) to provide for the exemption or tolling of professional or other licensure or certification requirements for the conduct or practice of a profession, trade, or occupation with respect to members of the National Guard and Reserve who are on active duty in the Armed Forces for an extended period of time.

AMENDMENT NO. 2309

(Purpose: To require a report on the airfield in Abeche, Chad, and other resources needed to provide stability in the Darfur region)

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

SEC. 1234. REPORT ON THE AIRFIELD IN ABECHE, CHAD, AND OTHER RESOURCES NEEDED TO PROVIDE STABILITY IN THE DARFUR REGION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the airfield located in Abeche, Republic of Chad, could play a significant role in potential United Nations, African Union, or North Atlantic Treaty Organization humanitarian, peacekeeping, or other military operations in Darfur, Sudan, or the surrounding region; and

(2) the capacity of that airfield to serve as a substantial link in such operations should be assessed, along with the projected costs and specific upgrades that would be necessary for its expanded use, should the Government of Chad agree to its improvement and use for such purposes.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the appropriate committees of Congress a report on the matters as follows:

(1) The current capacity of the existing airfield in Abeche, Republic of Chad, including the scope of its current use by the international community in response to the crisis in the Darfur region.

(2) The upgrades, and their associated costs, necessary to enable the airfield in Abeche, Republic of Chad, to be improved to be fully capable of accommodating a humanitarian, peacekeeping, or other force deployment of the size foreseen by the recent United Nations resolutions calling for a United Nations deployment to Chad and a hybrid force of the United Nations and African Union operating under Chapter VII of the United Nations Charter for Sudan.

(3) The force size and composition of an international effort estimated to be necessary to provide protection to those Darfur civilian populations currently displaced in the Darfur region.

(4) The force size and composition of an international effort estimated to be necessary to provide broader stability within the Darfur region.

AMENDMENT NO. 2308

(Purpose: To authorize, with an offset, an additional $162,800,000 for Drug Interdiction and Counter-Drug Activities, Defense-wide, to combat the growth of popies in Afghanistan, to eliminate the production and trade of opium and heroin, and to prevent terrorists from using the proceeds for terrorist activities in Afghanistan, Iraq, and elsewhere)

On page 395, between lines 14 and 15, insert the following:

SEC. 1405A. ADDITIONAL AMOUNT FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES WITH RESPECT TO AFGHANISTAN.

(a) ADDITIONAL AMOUNT FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—The amount authorized to be appropriated by section 1405 for Drug Interdiction and Counter-Drug Activities, Defense-wide, is hereby increased by $162,800,000.

(b) AVAILABILITY.—Of the amount authorized to be appropriated by section 1405 for Drug Interdiction and Counter-Drug Activities, Defense-wide, as increased by subsection (a), $162,800,000 may be available for drug interdiction and counterdrug activities with respect to Afghanistan.

(c) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (b) for the purpose specified in that paragraph is in addition to any other amounts available under this Act for that purpose.

(d) OFFSET.—The amount authorized to be appropriated by section 1509 for Drug Interdiction and Counter-Drug Activities, Defense-wide, for Operation Iraqi Freedom and Operation Enduring Freedom is hereby decreased by $162,800,000.

AMENDMENT NO 2310

(Purpose: To express the sense of Congress regarding Department of Defense actions, to address the encroachment of military installations)

At the end of title XXVIII, add the following:

SEC. 2864. SENSE OF CONGRESS ON DEPARTMENT OF DEFENSE ACTIONS TO ADDRESS ENCROACHMENT OF MILITARY INSTALLATIONS.

(a) FINDINGS.—In light of the initial report of the Department of Defense submitted pursuant to section 2684a(g) of title 10, United States Code, and of the RAND Corporation report entitled ''The Thin Green Line: An Assessment of DoD's Readiness and Environmental Protection Initiative to Buffer Installation Encroachment'', Congress makes the following findings:

(1) Development and loss of habitat in the vicinity of, or in areas ecologically related to, military installations, ranges, and airspace pose a continuing and significant threat to the readiness of the Armed Forces.

(2) The Range Sustainability Program (RSP) of the Department of Defense, and in particular the Readiness and Environmental Protection Initiative (REPI) involving agreements pursuant to section 2684a of title 10, United States Code, have been effective in addressing this threat to readiness with regard to a number of important installations, ranges, and airspace.

(3) The opportunities to take effective action to protect installations, ranges, and airspace from encroachment is in many cases transient, and delay in taking action will result in either higher costs or permanent loss of the opportunity effectively to address encroachment.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should—

(1) develop additional policy guidance on the further implementation of the Range and Environmental Protection Initiative (REPI), to include additional emphasis on protecting biodiversity and on further refining procedures;

(2) give greater emphasis to effective cooperation and collaboration on matters of mutual concern with other Federal agencies charged with managing Federal land;

(3) ensure that each military department takes full advantage of the authorities provided by section 2684a of title 10, United States Code, in addressing encroachment adversely affecting, or threatening to adversely affect, the installations, ranges, and military airspace of the department; and

(4) provide significant additional resources to the program, to include dedicated staffing at the installation level and additional emphasis on outreach programs at all levels.

(c) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall review Chapter 6 of the initial report submitted to Congress under section 2684a(g) of title 10, United States Code, and report to the congressional defense committees on the specific steps, if any, that the Secretary plans to take, or recommends that Congress take, to address the issues raised in such chapter.

AMENDMENT NO. 2617

(Purpose: To provide further protection for contractor employees from reprisal for disclosure of certain information)

Beginning on page 223, strike line 20 and all that follows through page 227, line 19, and insert the following:

(2) by striking ''information relating to a substantial violation of law related to a contract (including the competition for or negotiation of a contract)'' and inserting ''information that the employee reasonably believes is evidence of gross mismanagement of a Department of Defense contract, grant, or direct payment if the United States Government provides any portion of the money or property which is requested or demanded, a gross waste of Department of Defense funds, a substantial and specific danger to public health or safety, or a violation of law related to a Department of Defense contract (including the competition for or negotiation of a contract), grant, or direct payment if the United States Government provides any portion of the money or property which is requested or demanded''.

(b) ACCELERATION OF SCHEDULE FOR DENYING RELIEF OR PROVIDING REMEDY.—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) by inserting after ''(1)'' the following: ''Not later than 90 days after receiving an Inspector General report pursuant to subsection (b), the head of the agency concerned shall determine whether the contractor concerned has subjected the complainant to a reprisal prohibited under subsection (a).''; and

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

''(D) In the event the disclosure relates to a cost-plus contract, prohibit the contractor from receiving one or more award fee payments to which the contractor would otherwise be eligible until such time as the contractor takes the actions ordered by the head of the agency pursuant to subparagraphs (A) through (C).

''(E) Take the reprisal into consideration in any past performance evaluation of the contractor for the purpose of a contract award.'';

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following new paragraph:

''(3)(A) In the case of a contract covered by subsection (f), an employee of a contractor who has been discharged, demoted, or otherwise discriminated against as a reprisal for a disclosure covered by subsection (a) or who is aggrieved by the determination made pursuant to paragraph (1) or by an action that the agency head has taken or failed to take pursuant to such determination may, after exhausting his or her administrative remedies, bring a de novo action at law or equity against the contractor to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury.

''(B) An employee shall be deemed to have exhausted his or her administrative remedies for the purpose of this paragraph—

''(i) 90 days after the receipt of a written determination under paragraph (1); or

''(ii) 15 months after a complaint is submitted under subsection (b), if a determination by an agency head has not been made by that time and such delay is not shown to be due to the bad faith of the complainant.''.

(c) LEGAL BURDEN OF PROOF.—Such section is further amended—

(1) by redesignating subsection (e) as subsection (g); and

(2) by inserting after subsection (d) the following new subsection:

''(e) LEGAL BURDEN OF PROOF.—The legal burdens of proof specified in section 1221(e) of title 5 shall be controlling for the purposes of any investigation conducted by an inspector general, decision by the head of an agency, or hearing to determine whether discrimination prohibited under this section has occurred.''.

(d) REQUIREMENT TO NOTIFY EMPLOYEES OF RIGHTS RELATED TO PROTECTION FROM REPRISAL.—Such section, as amended by subsection (c), is further amended by inserting after subsection (e) the following new subsection:

''(f) NOTICE OF RIGHTS RELATED TO PROTECTION FROM REPRISAL.—

''(1) IN GENERAL.—Each Department of Defense contract in excess of $5,000,000, other than a contract for the purchase of commercial items, shall include a clause requiring the contractor to ensure that all employees of the contractor who are working on Department of Defense contracts are notified of—

''(A) their rights under this section;

''(B) the fact that the restrictions imposed by any employee contract, employee agreement, or non-disclosure agreement may not supersede, conflict with, or otherwise alter the employee rights provided for under this section; and

''(C) the telephone number for the whistleblower hotline of the Inspector General of the Department of Defense.

''(2) FORM OF NOTICE.—The notice required by paragraph (1) shall be made by posting the required information at a prominent place in each workplace where employees working on the contract regularly work.''.

(e) DEFINITIONS.—Subsection (g) of such section, as redesignated by subsection (c)(1), is amended—

(1) in paragraph (4), by inserting after ''an agency'' the following: ''and includes any person receiving funds covered by the prohibition against reprisals in subsection (a)'';

(2) in paragraph (5), by inserting after ''1978'' the following: ''and any Inspector General that receives funding from or is under the jurisdiction of the Secretary of Defense''; and

(3) by adding at the end the following new paragraphs:

''(6) The term 'employee' means an individual (as defined by section 2105 of title 5) or any individual or organization performing services for a contractor, grantee, or other recipient if the United States Government provides any portion of the money or property which is requested or demanded (including as an employee of an organization).

''(7) The term 'Department of Defense funds' includes funds controlled by the Department of Defense and funds for which the Department of Defense may be reasonably regarded as responsible to a third party.''.

AMENDMENT NO. 2313

(Purpose: To commend the founder and members of Project Compassion)

At the end of subtitle H of title X, add the following:

SEC. 1070. SENSE OF SENATE ON PROJECT COMPASSION.

(a) FINDINGS.—The Senate makes the following findings:

(1) It is the responsibility of every citizen of the United States to honor the service and sacrifice of the veterans of the United States, especially those who have made the ultimate sacrifice.

(2) In the finest tradition of this sacred responsibility, Kaziah M. Hancock, an artist from central Utah, founded a nonprofit organization called Project Compassion, which endeavors to provide, without charge, to the family of a member of the Armed Forces who has fallen in active duty since the events of September 11, 2001, a museum-quality original oil portrait of that member.

(3) To date, Kaziah M. Hancock, four volunteer professional portrait artists, and those who have donated their time to support Project Compassion have presented over 700 paintings to the families of the fallen heroes of the United States.

(4) Kaziah M. Hancock and Project Compassion have been honored by the Veterans of Foreign Wars, the American Legion, the Disabled American Veterans, and other organizations with the highest public service awards on behalf of fallen members of the Armed Forces and their families.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) Kaziah M. Hancock and the members of Project Compassion have demonstrated, and continue to demonstrate, extraordinary patriotism and support for the Soldiers, Sailors, Airmen and Marines who have given their lives for the United States in Iraq and Afghanistan and have done so without any expectation of financial gain or recognition for these efforts;

(2) the people of the United States owe the deepest gratitude to Kaziah M. Hancock and the members of Project Compassion; and

(3) the Senate, on the behalf of the people of the United States, commends Kaziah M. Hancock, the four other Project Compassion volunteer professional portrait artists, and the entire Project Compassion organization for their tireless work in paying tribute to those members of the Armed Forces who have fallen in the service of the United States.

AMENDMENT NO. 2863

(Purpose: To express the sense of the Senate on collaborations between the Department of Defense and the Department of Veterans Affairs on health care for wounded warriors)

At the end of title VII, add the following:

SEC. 703. SENSE OF SENATE ON COLLABORATIONS BETWEEN THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS ON HEALTH CARE FOR WOUNDED WARRIORS.

(a) FINDINGS.—The Senate makes the following findings:

(1) There have been recent collaborations between the Department of Defense, the Department of Veterans Affairs, and the civilian medical community for purposes of providing high quality medical care to America's wounded warriors. One such collaboration is occurring in Augusta, Georgia, between the Dwight D. Eisenhower Army Medical Center at Fort Gordon, the Augusta Department of Veterans Affairs Medical Center, the Medical College of Georgia, and local health care providers under the TRICARE program.

(2) Medical staff from the Dwight D. Eisenhower Army Medical Center and the Augusta Department of Veterans Affairs Medical Center have been meeting weekly to discuss future patient cases for the Active Duty Rehabilitation Unit (ADRU) within the Uptown Department of Veterans Affairs facility. The Active Duty Rehabilitation Unit, along with the Polytrauma Centers of the Department of Veterans Affairs, provide rehabilitation for members of the Armed Forces on active duty.

(3) Since 2004, 1,037 soldiers, sailors, airmen, and marines have received rehabilitation services at the Active Duty Rehabilitation Unit, 32 percent of whom served in Operation Iraqi Freedom or Operation Enduring Freedom.

(4) The Dwight D. Eisenhower Army Medical Center and the Augusta Department of Veterans Affairs Medical Center have combined their neurosurgery programs and have coordinated on critical brain injury and psychiatric care.

(5) The Department of Defense, the Army, and the Army Medical Command have recognized the need for expanded behavioral health care services for members of the Armed Forces returning from Operation Iraqi Freedom and Operation Enduring Freedom. These services are currently being provided by the Dwight D. Eisenhower Army Medical Center.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Department of Defense should encourage continuing collaboration between the Army and the Department of Veterans Affairs in treating America's wounded warriors and, when appropriate and available, provide additional support and resources for the development of such collaborations, including the current collaboration between the Active Duty Rehabilitation Unit at the Augusta Department of Veterans Affairs Medical Center, Georgia, and the behavioral health care services program at the Dwight D. Eisenhower Army Medical Center, Fort Gordon, Georgia.

AMENDMENT NO. 2282

(Purpose: To establish a National Guard yellow ribbon reintegration program)

At the end of subtitle F of title VI, add the following:

SEC. 683. NATIONAL GUARD YELLOW RIBBON REINTEGRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense, shall establish a national combat veteran reintegration program to provide National Guard and Reserve members and their families with sufficient information, services, referral, and proactive outreach opportunities throughout the entire deployment cycle. This program shall be known as the Yellow Ribbon Reintegration Program.

(b) PURPOSE.—The Yellow Ribbon Reintegration Program shall consist of informational events and activities for Reserve Component members, their families, and community members to facilitate access to services supporting their health and well-being through the four phases of the deployment cycle:

(1) Pre-Deployment.

(2) Deployment.

(3) Demobilization.

(4) Post-Deployment-Reconstitution.

(d) ORGANIZATION.—

(1) EXECUTIVE AGENT.—The Secretary shall designate the OSD (P&R) as the Department of Defense executive agent for the Yellow Ribbon Reintegration Program.

(2) ESTABLISHMENT OF THE OFFICE FOR REINTEGRATION PROGRAMS.—

(A) IN GENERAL.—The OSD (P&R) shall establish the Office for Reintegration Programs within the OSD. The office shall administer all reintegration programs in coordination with State National Guard organizations. The office shall be responsible for coordination with existing National Guard and Reserve family and support programs. The Directors of the Army National Guard and Air National Guard and the Chiefs of the Army Reserve, Marine Corps Reserve, Navy Reserves and Air Force Reserves may appoint liaison officers to coordinate with the permanent office staff. The Center may also enter into partnerships with other public entities, including, but not limited to, the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, for access to necessary substance abuse and mental health treatment services from local State-licensed service providers.

(B) ESTABLISHMENT OF A CENTER FOR EXCELLENCE IN REINTEGRATION.—The Office for Reintegration Programs shall establish a Center for Excellence in Reintegration within the office. The Center shall collect and analyze ''lessons learned'' and suggestions from State National Guard and Reserve organizations with existing or developing reintegration programs. The Center shall also assist in developing training aids and briefing materials and training representatives from State National Guard and Reserve organizations.

(3) ADVISORY BOARD.—

(A) APPOINTMENT.—The Secretary of Defense shall appoint an advisory board to analyze and report areas of success and areas for necessary improvements. The advisory board shall include, but is not limited to, the Director of the Army National Guard, the Director of the Air National Guard, Chiefs of the Army Reserve, Marine Corps Reserve, Navy Reserve, and Air Force Reserve. The Assistant Secretary of Defense for Reserve Affairs, an Adjutant General on a rotational basis as determined by the Chief of the National Guard Bureau, and any other Department of Defense, Federal Government agency, or outside organization as determined by the Secretary of Defense. The members of the advisory board may designate representatives in their stead.

(B) SCHEDULE.—The advisory board shall meet on a schedule as determined by the Secretary of Defense.

(C) INITIAL REPORTING REQUIREMENT.—The advisory board shall issue internal reports as necessary and shall submit an initial report to the Committees on Armed Services not later than 180 days after the end of a one-year period from establishment of the Office for Reintegration Programs. This report shall contain—

(i) an evaluation of the reintegration program's implementation by State National Guard and Reserve organizations;

(ii) an assessment of any unmet resource requirements;

(iii) recommendations regarding closer coordination between the Office of Reintegration Programs and State National Guard and Reserve organizations.

(D) ANNUAL REPORTS.—The advisory board shall submit annual reports to the Committees on Armed Services of the Senate and the House of Representatives following the initial report by the first week in March of subsequent years following the initial report.

(e) PROGRAM.—

(1) IN GENERAL.—The Office for Reintegration Programs shall analyze the demographics, placement of State Family Assistance Centers (FAC), and FAC resources before a mobilization alert is issued to affected State National Guard and Reserve organizations. The Office of Reintegration Programs shall consult with affected State National Guard and Reserve organizations following the issuance of a mobilization alert and implement the reintegration events in accordance with the Reintegration Program phase model.

(2) PRE-DEPLOYMENT PHASE.—The Pre-Deployment Phase shall constitute the time from first notification of mobilization until deployment of the mobilized National Guard or Reserve unit. Events and activities shall focus on providing education and ensuring the readiness of service members, families, and communities for the rigors of a combat deployment.

(3) DEPLOYMENT PHASE.—The Deployment Phase shall constitute the period from deployment of the mobilized National Guard or Reserve unit until the unit arrives at a demobilization station inside the continental United States. Events and services provided shall focus on the challenges and stress associated with separation and having a member in a combat zone. Information sessions shall utilize State National Guard and Reserve resources in coordination with the Employer Support of Guard and Reserve Office, Transition Assistance Advisors, and the State Family Programs Director.

(4) DEMOBILIZATION PHASE.—

(A) IN GENERAL.—The Demobilization Phase shall constitute the period from arrival of the National Guard or Reserve unit at the demobilization station until its departure for home station. In the interest of returning members as soon as possible to their home stations, reintegration briefings during the Demobilization Phase shall be minimized. State Deployment Cycle Support Teams are encouraged, however, to assist demobilizing members in enrolling in the Department of Veterans Affairs system using Form 1010EZ during the Demobilization Phase. State Deployment Cycle Support Teams may provide other events from the Initial Reintegration Activity as determined by the State National Guard or Reserve organizations. Remaining events shall be conducted during the Post-Deployment-Reconstitution Phase.

(B) INITIAL REINTEGRATION ACTIVITY.—The purpose of this reintegration program is to educate service members about the resources that are available to them and to connect members to service providers who can assist them in overcoming the challenges of reintegration.

(5) POST-DEPLOYMENT-RECONSTITUTION PHASE.—

(A) IN GENERAL.—The Post-Deployment-Reconstitution Phase shall constitute the period from arrival at home station until 180 days following demobilization. Activities and services provided shall focus on reconnecting service members with their families and communities and providing resources and information necessary for successful reintegration. Reintegration events shall begin with elements of the Initial Reintegration Activity program that were not completed during the Demobilization Phase.

(B) 30-DAY, 60-DAY, AND 90-DAY REINTEGRATION ACTIVITIES.—The State National Guard and Reserve organizations shall hold reintegration activities at the 30-day, 60-day, and 90-day interval following demobilization. These activities shall focus on reconnecting service members and family members with the service providers from Initial Reintegration Activity to ensure service members and their families understand what benefits they are entitled to and what resources are available to help them overcome the challenges of reintegration. The Reintegration Activities shall also provide a forum for service members and families to address negative behaviors related to combat stress and transition.

(C) SERVICE MEMBER PAY.—Service members shall receive appropriate pay for days spent attending the Reintegration Activities at the 30-day, 60-day, and 90-day intervals.

(D) MONTHLY INDIVIDUAL REINTEGRATION PROGRAM.—The Office for Reintegration Programs, in coordination with State National Guard and Reserve organizations, shall offer a monthly reintegration program for individual service members released from active duty or formerly in a medical hold status. The program shall focus on the special needs of this service member subset and the Office for Reintegration Programs shall develop an appropriate program of services and information.

AMENDMENT NO. 2210

(Purpose: To modify a reporting requirement)

At the end of title XXXI, add the following:

SEC. 3126. MODIFICATION OF REPORTING REQUIREMENT.

Section 3111 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3539) is amended—

(1) in subsection (b), by striking ''March 1, 2007'' and inserting ''March 1 of 2007, 2009, 2011, and 2013'';

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(3) by inserting after subsection (b) the following new subsection (c):

''(c) FORM.—The report required by subsection (b) to be submitted not later than March 1 of 2009, 2011, or 2013, shall be submitted in classified form, and shall include a detailed unclassified summary.''; and

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

AMENDMENT NO. 2291

(Purpose: To require a report on the search and rescue capabilities of the Air Force in the northwestern United States)

At the end of title III, add the following:

SEC. 358. REPORT ON SEARCH AND RESCUE CAPABILITIES OF AIR FORCE IN NORTHWESTERN UNITED STATES.

(a) REPORT.—Not later than April 1, 2008, the Secretary of the Air Force shall submit to the appropriate congressional committees a report on the search and rescue capabilities of the Air Force in the northwestern United States.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) An assessment of the search and rescue capabilities required to support Air Force operations and training.

(2) A description of the compliance of the Air Force with the 1999 United States National Search and Rescue Plan (NSRP) for Washington, Oregon, Idaho, and Montana.

(3) An inventory and description of search and rescue assets of the Air Force that are available to meet such requirements.

(4) A description of the utilization during the previous three years of such search and rescue assets.

(5) The plans of the Air Force to meet current and future search and rescue requirements in the northwestern United States, including with respect to risk assessment services for Air Force missions and compliance with the NSRP.

(c) USE OF REPORT FOR PURPOSES OF CERTIFICATION REGARDING SEARCH AND RESCUE CAPABILITIES.—Section 1085 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 113 note) is amended by striking ''unless the Secretary first certifies'' and inserting ''unless the Secretary, after reviewing the search and rescue capabilities report prepared by the Secretary of the Air Force under section 358 of the National Defense Authorization Act for Fiscal Year 2008, first certifies''.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Homeland Security, the Committee on Energy and Commerce, the Committee on Natural Resources, and the Committee on Appropriations of the House of Representatives.

AMENDMENT NO. 2096

(Purpose: To require a comprehensive accounting of the funding required to ensure that the plan for implementing for final recommendations of the 2005 Defense Base Closure and Realignment Commission remains on schedule)

On page 501, between lines 2 and 3, insert the following:

SEC. 2842. COMPREHENSIVE ACCOUNTING OF FUNDING REQUIRED TO ENSURE TIMELY IMPLEMENTATION OF 2005 DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION RECOMMENDATIONS.

The Secretary of Defense shall submit to Congress with the budget materials for fiscal year 2009 a comprehensive accounting of the funding required to ensure that the plan for implementing the final recommendations of the 2005 Defense Base Closure and Realignment Commission remains on schedule.

AMENDMENT NO. 2315

(Purpose: To authorize a land conveyance at the Lewis and Clark United States Army Reserve Center, Bismarck, North Dakota)

At the end of subtitle E of title XXVIII, add the following:

SEC. 2854. LAND CONVEYANCE, LEWIS AND CLARK UNITED STATES ARMY RESERVE CENTER, BISMARCK, NORTH DAKOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the United Tribes Technical College all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 2 acres located at the Lewis and Clark United States Army Reserve Center, 3319 University Drive, Bismarck, North Dakota, for the purpose of supporting Native American education and training.

(b) REVERSIONARY INTEREST.—

(1) IN GENERAL.—Subject to paragraph (2), if the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purposes of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(2) EXPIRATION.—The reversionary interest under paragraph (1) shall expire upon satisfaction of the following conditions:

(A) The real property conveyed under subsection (a) is used in accordance with the purposes of the conveyance specified in such subsection for a period of not less than 30 years following the date of the conveyance.

(B) The United Tribes Technical College applies to the Secretary for the release of the reversionary interest.

(C) The Secretary certifies, in a manner that can be filed with the appropriate land recordation office, that the condition under subparagraph (A) has been satisfied.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the United Tribes Technical College to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the United Tribes Technical College in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the United Tribes Technical College.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 2176

(Purpose: To require the Comptroller General of the United States to review the application of certain authorities under the Defense Production Act of 1950, and for other purposes)

At the appropriate place, insert the following:

SEC. ___. GAO REVIEW OF USE OF AUTHORITY UNDER THE DEFENSE PRODUCTION ACT OF 1950.

(a) THOROUGH REVIEW REQUIRED.—The Comptroller General of the United States (in this section referred to as the ''Comptroller'') shall conduct a thorough review of the application of the Defense Production Act of 1950, since the date of enactment of the Defense Production Act Reauthorization of 2003 (Public Law 108-195), in light of amendments made by that Act.

(b) CONSIDERATIONS.—In conducting the review required by this section, the Comptroller shall examine—

(1) existing authorities under the Defense Production Act of 1950;

(2) whether and how such authorities should be statutorily modified to ensure preparedness of the United States and United States industry—

(A) to meet security challenges;

(B) to meet current and future defense requirements;

(C) to meet current and future energy requirements;

(D) to meet current and future domestic emergency and disaster response and recovery requirements;

(E) to reduce the interruption of critical infrastructure operations during a terrorist attack, natural catastrophe, or other similar national emergency; and

(F) to safeguard critical components of the United States industrial base, including American aerospace and shipbuilding industries;

(3) the effectiveness of amendments made by the Defense Production Act Reauthorization of 2003, and the implementation of such amendments;

(4) advantages and limitations of Defense Production Act of 1950-related capabilities, to ensure adaptation of the law to meet the security challenges of the 21st Century;

(5) the economic impact of foreign offset contracts and the efficacy of existing authority in mitigating such impact;

(6) the relative merit of developing rapid and standardized systems for use of the authority provided under the Defense Production Act of 1950, by any Federal agency; and

(7) such other issues as the Comptroller determines relevant.

(c) REPORT TO CONGRESS.—Not later than 120 days after the date of enactment of this Act, the Comptroller shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate on the results of the review conducted under this section, together with any legislative recommendations.

(d) RULES OF CONSTRUCTION ON PROTECTION OF INFORMATION.—Notwithstanding any other provision of law—

(1) the provisions of section 705(d) of the Defense Production Act of 1950 (50 U.S.C. App. 2155(d)) shall not apply to information sought or obtained by the Comptroller for purposes of the review required by this section; and

(2) provisions of law pertaining to the protection of classified information or proprietary information otherwise applicable to information sought or obtained by the Comptroller in carrying out this section shall not be affected by any provision of this section.

AMENDMENT NO. 2326

(Purpose: To grant a Federal charter to Korean War Veterans Association, Incorporated)

At the end of subtitle E of title X, add the following:

SEC. 1070. GRANT OF FEDERAL CHARTER TO KOREAN WAR VETERANS ASSOCIATION, INCORPORATED.

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended—

(1) by striking the following:

"CHAPTER 1201—[RESERVED]";

and

(2) by inserting after chapter 1103 the following new chapter:

"CHAPTER 1201—KOREAN WAR VETERANS ASSOCIATION, INCORPORATED

"Sec.
''120101. Organization.
''120102. Purposes.
''120103. Membership.
''120104. Governing body.
''120105. Powers.
''120106. Restrictions.
''120107. Tax-exempt status required as condition of charter.
''120108. Records and inspection.
''120109. Service of process.
''120110. Liability for acts of officers and agents.
''120111. Annual report.
''120112. Definition.

"§ 120101. Organization

''(a) FEDERAL CHARTER.—Korean War Veterans Association, Incorporated (in this chapter, the 'corporation'), a nonprofit organization that meets the requirements for a veterans service organization under section 501(c)(19) of the Internal Revenue Code of 1986 and that is organized under the laws of the State of New York, is a federally chartered corporation.

''(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) shall expire.

"§ 120102. Purposes

''The purposes of the corporation are those provided in the articles of incorporation of the corporation and shall include the following:

''(1) To organize as a veterans service organization in order to maintain a continuing interest in the welfare of veterans of the Korean War, and rehabilitation of the disabled veterans of the Korean War to include all that served during active hostilities and subsequently in defense of the Republic of Korea, and their families.

''(2) To establish facilities for the assistance of all veterans and to represent them in their claims before the Department of Veterans Affairs and other organizations without charge.

''(3) To perpetuate and preserve the comradeship and friendships born on the field of battle and nurtured by the common experience of service to the United States during the time of war and peace.

''(4) To honor the memory of the men and women who gave their lives so that the United States and the world might be free and live by the creation of living memorial, monuments, and other forms of additional educational, cultural, and recreational facilities.

''(5) To preserve for the people of the United States and posterity of such people the great and basic truths and enduring principles upon which the United States was founded.

"§ 120103. Membership

''Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

"§ 120104. Governing body

''(a) BOARD OF DIRECTORS.—The composition of the board of directors of the corporation, and the responsibilities of the board, are as provided in the articles of incorporation of the corporation.

''(b) OFFICERS.—The positions of officers of the corporation, and the election of the officers, are as provided in the articles of incorporation.

"§ 120105. Powers

''The corporation has only those powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

"§ 120106. Restrictions

''(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

''(b) POLITICAL ACTIVITIES.—The corporation, or a director or officer of the corporation as such, may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

''(c) LOAN.—The corporation may not make a loan to a director, officer, or employee of the corporation.

''(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval, or the authority of the United States, for any activity of the corporation.

''(e) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the State of New York.

"§ 120107. Tax-exempt status required as condition of charter

''If the corporation fails to maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986, the charter granted under this chapter shall terminate.

"§ 120108. Records and inspection

''(a) RECORDS.—The corporation shall keep—

''(1) correct and complete records of account;

''(2) minutes of the proceedings of the members, board of directors, and committees of the corporation having any of the authority of the board of directors of the corporation; and

''(3) at the principal office of the corporation, a record of the names and addresses of the members of the corporation entitled to vote on matters relating to the corporation.

''(b) INSPECTION.—A member entitled to vote on any matter relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

"§ 120109. Service of process

''The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent is notice to or service on the corporation.

"§ 120110. Liability for acts of officers and agents

''The corporation is liable for any act of any officer or agent of the corporation acting within the scope of the authority of the corporation.

"§ 120111. Annual report

''The corporation shall submit to Congress an annual report on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101(b) of this title. The report may not be printed as a public document.

"§ 120112. Definition

''For purposes of this chapter, the term 'State' includes the District of Columbia and the territories and possessions of the United States.''.

(b) CLERICAL AMENDMENT.—The item relating to chapter 1201 in the table of chapters at the beginning of subtitle II of title 36, United States Code, is amended to read as follows:

"1201. Korean War Veterans Association, Incorporated ..... 120101".

AMENDMENT NO. 2263

(Purpose: To inhance the availability of rest and recuperation leave)

At the end of subtitle H of title V, add the following:

SEC. 594. ENHANCEMENT OF REST AND RECUPERATION LEAVE.

Section 705(b)(2) of title 10, United States Code, is amended by inserting ''for members whose qualifying tour of duty is 12 months or less, or for not more than 20 days for members whose qualifying tour of duty is longer than 12 months,'' after ''for not more than 15 days''.

AMENDMENT NO. 2294

(Purpose: To require the Secretary of Defense to submit a plan to ensure the appropriate size of the Department of Defense acquisition workforce)

At the end of section 844, insert the following:

(h) ACQUISITION WORKFORCE ASSESSMENT AND PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop an assessment and plan for addressing gaps in the acquisition workforce of the Department of Defense.

(2) CONTENT OF ASSESSMENT.—The assessment developed under paragraph (1) shall identify—

(A) the skills and competencies needed in the military and civilian workforce of the Department of Defense to effectively manage the acquisition programs and activities of the Department over the next decade;

(B) the skills and competencies of the existing military and civilian acquisition workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

(C) gaps in the existing or projected military and civilian acquisition workforce that should be addressed to ensure that the Department has access to the skills and competencies identified pursuant to subparagraph (A).

(3) CONTENT OF PLAN.—The plan developed under paragraph (1) shall establish specific objectives for developing and reshaping the military and civilian acquisition workforce of the Department of Defense to address the gaps in skills and competencies identified under paragraph (2). The plan shall include—

(A) specific recruiting and retention goals; and

(B) specific strategies for developing, training, deploying, compensating, and motivating the military and civilian acquisition workforce of the Department to achieve such goals.

(4) ANNUAL UPDATES.—Not later than March 1 of each year from 2009 through 2012, the Secretary of Defense shall update the assessment and plan required by paragraph (1). Each update shall include the assessment of the Secretary of the progress the Department has made to date in implementing the plan.

(5) SPENDING OF AMOUNTS IN FUND IN ACCORDANCE WITH PLAN.—Beginning on October 1, 2008, amounts in the Fund shall be expended in accordance with the plan required under paragraph (1) and the annual updates required under paragraph (4).

(6) REPORTS.—Not later than 30 days after developing the assessment and plan required under paragraph (1) or preparing an annual update required under paragraph (4), the Secretary of Defense shall submit to the congressional defense committees a report on the assessment and plan or annual update, as the case may be.

AMENDMENT NO. 2277, AS MODIFIED

At the end of title XXVIII, add the following:

SEC. 2864. REPORT ON WATER CONSERVATION PROJECTS.

(a) REPORT REQUIRED.—Not later than April 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the funding and effectiveness of water conservation projects at Department of Defense facilities.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) a description, by type, of the amounts invested or budgeted for water conservation projects by the Department of Defense in fiscal years 2006, 2007, and 2008;

(2) an assessment of the investment levels required to meet the water conservation requirements of the Department of Defense under Executive Order No. 13423 (January 24, 2007);

(3) an assessment of whether water conservation projects should continue to be funded within the Energy Conservation Investment Program or whether the water conservation efforts of the Department would be more effective if a separate water conservation investment program were established;

(4) an assessment of the demonstrated or potential reductions in water usage and return on investment of various types of water conservation projects, including the use of metering or control systems, xeriscaping, waterless urinals, utility system upgrades, and water efficiency standards for appliances used in Department of Defense facilities; and

(5) recommendations for any legislation, including any changes to the authority provided under section 2866 of title 10, United States Code, that would facilitate the water conservation goals of the Department, including the water conservation requirements of Executive Order No. 13423 and DoD Instruction 4170.11.

AMENDMENT NO. 2862

(Purpose: To authorize to be increased by up to $49,300,000 the amount authorized to be appropriated for the construction of munitions demilitarization facilities at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, and to ensure the timely destruction of lethal chemical agents and munitions)

On page 470, after the table following line 22, add the following:

SEC. 2406. MUNITIONS DEMILITARIZATION FACILITIES, BLUE GRASS ARMY DEPOT, KENTUCKY, AND PUEBLO CHEMICAL ACTIVITY, COLORADO.

(a) AUTHORITY TO INCREASE AMOUNT FOR CONSTRUCTION OF MUNITIONS DEMILITARIZATION FACILITY, BLUE GRASS ARMY DEPOT, KENTUCKY.—Pursuant to the authority granted for this project by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 836), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), the amount authorized to be appropriated by section 2403(14) of this Act for the construction of increment 8 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, may, subject to the approval of the Secretary of Defense, be increased by up to $17,300,000 using funds from the amounts authorized to be appropriated by section 2403(1) of this Act.

(b) AUTHORITY TO INCREASE AMOUNT FOR CONSTRUCTION OF MUNITIONS DEMILITARIZATION FACILITY, PUEBLO CHEMICAL ACTIVITY, COLORADO.—Pursuant to the authority granted for this project by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), the amount authorized to be appropriated by section 2403(14) of this Act for the construction of increment 9 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado may, subject to the approval of the Secretary of Defense, be increased by up to $32,000,000 using funds from the amounts authorized to be appropriated by section 2403(1) of this Act.

(c) CERTIFICATION REQUIREMENT.—Prior to exercising the authority provided in subsection (a) or (b), the Secretary of Defense shall provide to the congressional defense committees the following:

(1) Certification that the increase in the amount authorized to be appropriated—

(A) is in the best interest of national security; and

(B) will facilitate compliance with the deadline set forth in subsection (d)(1).

(2) A statement that the increased amount authorized to be appropriated will be used to carry out authorized military construction activities.

(3) A notification of the action in accordance with section 2811.

(d) DEADLINE FOR DESTRUCTION OF CHEMICAL AGENTS AND MUNITIONS STOCKPILE.—

(1) DEADLINE.—Notwithstanding any other provision of law, the Department of Defense shall complete work on the destruction of the entire United States stockpile of lethal chemical agents and munitions, including those stored at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, by the deadline established by the Chemical Weapons Convention, and in no circumstances later than December 31, 2017.

(2) REPORT.—

(A) IN GENERAL.—Not later than December 31, 2007, and every 180 days thereafter, the Secretary of Defense shall submit to the parties described in paragraph (2) a report on the progress of the Department of Defense toward compliance with this subsection.

(B) PARTIES RECEIVING REPORT.—The parties referred to in paragraph (1) are the Speaker of the House of the Representatives, the Majority and Minority Leaders of the House of Representatives, the Majority and Minority Leaders of the Senate, and the congressional defense committees.

(C) CONTENT.—Each report submitted under subparagraph (A) shall include the updated and projected annual funding levels necessary to achieve full compliance with this subsection. The projected funding levels for each report shall include a detailed accounting of the complete life-cycle costs for each of the chemical disposal projects.

(3) CHEMICAL WEAPONS CONVENTION DEFINED.—In this subsection, the term ''Chemical Weapons Convention'' means the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, with annexes, done at Paris, January 13, 1993, and entered into force April 29, 1997 (T. Doc. 103-21).

(4) APPLICABILITY; RULE OF CONSTRUCTION.—This subsection shall apply to fiscal year 2008 and each fiscal year thereafter, and shall not be modified or repealed by implication.

Mr. LEVIN. I thank the Presiding Officer.

Mr. WARNER. Mr. President, I move to reconsider the vote on the package of amendments.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ADMENDMENT NO. 2268

Mr. DURBIN. Mr. President, we are engaged in one of the longest conflicts in American history, and the need for qualified nurses in military medical facilities is increasing. Tragic stories of injured veterans returning from war and heart-wrenching images on television remind us that the military needs qualified nurses. Unfortunately, the military faces the same difficulty recruiting and retaining nurses that civilian medical facilities are facing.

Neither the Army nor the Air Force has met nurse recruitment goals since the 1990s. In 2004, the Navy Nurse Corps fell 32 percent below its recruitment target, while the Air Force missed its nurse recruitment target by 30 percent. At a Senate appropriations hearing earlier this year, Nurse Corps leaders pointed to a serious shortage of military nurses. The Army, Navy, and Air Force each have a 10-percent shortage of nurses, with shortages reaching nearly 40 percent in some critical specialties.

Civilian hospitals face similar challenges. According to the American College of Healthcare Executives, 72 percent of hospitals experienced a nursing shortage in 2004. The shortage is growing. The U.S. Department of Health and Human Services, HHS, found that in 2000 this country was 110,000 nurses short of the number, both civilian and

military, necessary to adequately provide quality health care. By 2005, the shortage had doubled to 219,000. By 2020, we will be more than 1 million nurses short of what we need for quality health care. This will create a problem for military health care as well as the Nation at large.

To avoid the vast shortage HHS is projecting, we have to improve the number of nurses graduating and entering the workforce each year. If we only were to replace the nurses who are retiring, we would need to increase student enrollment at nursing schools by 40 percent. But the baseline demand for nurses, however, continues to rise, while the supply falls. If we increased the number of graduates from nursing school by 90 percent by 2020, we would still fall short of the number needed for quality care.

One of the major factors contributing to the nursing shortage is the shortage of teachers at schools of nursing. Last year, nursing colleges across the Nation denied admission to over 40,000 qualified applicants because there were not enough faculty members to teach the students. Last year, approximately 2,000 qualified student applicants were rejected from Illinois nursing schools because there were not enough teachers.

And the shortage does not discriminate between rural or urban areas, city or countryside, large or small schools. For example, in 2006, the University of Illinois at Chicago, consistently recognized as one of the top ten nursing programs in the United States, was sixth in total NIH research and research training dollars, and in 2004, it was ranked eighth out of 142 schools of nursing by U.S. News & World Report. However, despite the nationwide prestige, the school turned away more than 500 qualified applicants last year. Northern Illinois University, a smaller school in DeKalb, IL, was forced to reject 233 qualified applicants as a result of a shortage of teachers and financial resources.

The American Association of Colleges of Nursing surveyed more than 400 schools of nursing last year. Seventy-one percent of the schools reported vacancies on their faculty. An additional 15 percent said they were fully staffed but still needed more faculty to handle the number of students who want to be trained.

Statistics paint a bleak picture for the availability of nursing faculty now and into the future. The median age of a doctorally prepared nursing faculty member is 52 years old. The average age of retirement for faculty at schools of nursing is 62.5 years. It is expected that 200 to 300 doctorally prepared faculty will be eligible for retirement each year from 2005 through 2012 , drastically reducing the number of available faculty—even though more than 1 million replacement nurses will be needed. The military recruits nurses from the same source as doctors and hospitals: civilian nursing schools. Unless we address the lack of faculty, the shortage of nurses will only worsen.

In 1994, the Department of Defense established a program called Troops to Teachers, which serves the dual purpose of helping relieve the shortages of math, science, and special education teachers in high-poverty schools while assisting military personnel in making successful transitions to second careers in teaching. As of January 2004, more than 6,000 former soldiers have been hired as teachers through the Troops to Teachers Program, and an additional 6,700 are now qualified teachers and looking for placements.

My amendment will set up a pilot program called Troops to Nurse Teachers to make it easier for military nurses, retiring nurses, or those leaving the military to pursue a career teaching the future nurse workforce. I am proud to have the support of my colleagues: Senators INOUYE, INHOFE, OBAMA, MENENDEZ, BIDEN, MIKULSKI, DOLE, REED, LIEBERMAN, and COLLINS. I thank the leadership of the Senate Armed Services Committee, Chairman LEVIN, Senator WARNER, for their support and willingness to accept the amendment.

The Troops to Nurse Teachers Program seeks to address the nursing shortage in the different branches of the military while tapping into the existing wealth of knowledge and expertise of military nurses to help address the nationwide shortage of nurses.

The goals of the Troops to Nurse Teachers program are two fold. First, the program intends to increase the number of nurse faculty members so nursing schools can expand enrollment and alleviate the ongoing shortage both in the civilian and military sectors. Second, the Troops to Nurse Teachers Program is meant to help military personnel make successful transitions to second careers in teaching, similar to Troops to Teachers. The program would achieve these goals by offering incentives to nurses transitioning from the military to become full-time nurse faculty members, while providing the military a new recruitment tool and advertising agent.

The Troops to Nurse Teachers Program will provide transitional assistance for servicemembers who already hold a master's or Ph.D. in nursing or a related field and are qualified to teach. Eligible servicemembers can receive career placement assistance, transitional stipends, and educational training from accredited schools of nursing to expedite their transition. Troops to Nurse Teachers will also establish a pilot scholarship program for officers of the Armed Forces who have been involved in nursing during their military service to help them obtain the education needed to become nurse educators. Tuition, stipends, and financing for other educational expenses would be provided. Recipients of scholarships must commit to teaching at an accredited school of nursing for 3 years in exchange for the educational support they receive.

In addition, the Troops to Nurse Teachers Program will provide active military nurses the opportunity to complete a 2-year tour of duty at a civilian nursing school to train the next generation of nurses. In exchange, the nurse officer will commit to additional time in the military or the College of Nursing will provide scholarships for nursing students that commit to enlisting in the military.

We have the support of over 20 nursing organizations, including the following: American Association of Colleges of Nursing, American Organization of Nurse Executives, American Nurses Association, Academy of Medical-Surgical Nurses, American Academy of Ambulatory Care Nursing, American College of Nurse Practitioners, American Association of Nurse Anesthetists, American Health Care Association, American Society of PeriAnesthesia Nurses, Association of Women's Health, Obstetric, and Neonatal Nurses, American Association of Occupational Health Nurses, Inc., American Radiological Nurses Association, Association of Perioperative Registered Nurses, Emergency Nurses Association, National Black Nurses Association, National Council of State Boards of Nursing, National Gerontological Nursing Association, National League for Nursing, National Nursing Centers Consortium, National Organization of Nurse Practitioner Faculties, Oncology Nursing Society, Society of Urologic Nurses & Associates.

In addition, the Office of the Secretary of Defense, both Personnel and Recruitment and Health Affairs, are in support of the amendment. We have also worked hard to secure the support and incorporate important feedback from the Nurse Corps of the Departments of the Army, Navy, and Air Force.

We must increase the number of teachers preparing tomorrow's nursing workforce. With the aging of the baby boom generation and the long-term needs of our growing number of wounded veterans, the military and civilian health care systems will need qualified nurses more than ever. The Troops to Nurse Teachers Program will help to alleviate the shortage of nurse faculty and ultimately help make more nurses available for both civilian and military medical facilities.

AMENDMENTS NOS. 2087, 2088, 2274, AND 2275 WITHDRAWN

Mr. LEVIN. Mr. President, I now ask unanimous consent that all pending amendments be withdrawn, with the exception of the Levin substitute amendment; that Senator LEAHY or his designee be recognized to offer a first-degree amendment on the subject of habeas corpus; that after the Leahy amendment is offered, Senator GRAHAM or his designee be recognized to offer a first-degree amendment to strike section 1023; that the offering of these amendments does not preclude further amendments on the subject matter of these amendments.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. No objection.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

AMENDMENT NO. 2022 TO AMENDMENT NO. 2011

Mr. LEVIN. Mr. President, on behalf of Senator LEAHY, I call up amendment No. 2022.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. SPECTER and Mr. LEAHY, proposes an amendment numbered 2022.

Mr. LEVIN. I ask unanimous consent that the reading of the amendment be dispensed with. No. 2022 is the amendment, and it is indeed the Specter-Leahy amendment. That is the amendment which was referred to in the unanimous consent agreement.

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

The amendment (No. 2022) is as follows:

AMENDMENT NO. 2022

(Purpose: To restore habeas corpus for those detained by the United States)

At the end of subtitle E of title X, add the following:

SEC. 1070. RESTORATION OF HABEAS CORPUS FOR THOSE DETAINED BY THE UNITED STATES.

(a) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by striking subsection (e).

(b) TITLE 10.—Section 950j of title 10, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) LIMITED REVIEW OF MILITARY COMMISSION PROCEDURES AND ACTIONS.—Except as otherwise provided in this chapter or in section 2241 of title 28 or any other habeas corpus provision, and notwithstanding any other provision of law, no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause of action whatsoever, including any action pending on or filed after the date of the enactment of the Military Commissions Act of 2006, relating to the prosecution, trial, or judgment of a military commission under this chapter, including challenges to the lawfulness of procedures of military commissions under this chapter.''.

(c) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any case that is pending on or after the date of enactment of this Act.

AMENDMENT NO. 2064 TO AMENDMENT NO. 2011

Mr. WARNER. Mr. President, I call up amendment No. 2064 on behalf of Senator GRAHAM.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. GRAHAM, proposes an amendment numbered 2064.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment (No. 2064) is as follows:

AMENDMENT NO. 2064

(Purpose: To strike section 1023, relating to the granting of civil rights to terror suspects)

Strike section 1023.

Mr. WARNER. Mr. President, it is my understanding that we do have these two first-degree amendments side by side for purposes of the debate, and at this time there are no time agreements.

Mr. LEVIN. Mr. President, Senator LEAHY has already debated this amendment. I assume he would want to debate this further, but that would, of course, be up to him. But this was the amendment Senator LEAHY was debating earlier this afternoon. Now that it is pending, it is open to debate.

Mr. WARNER. Mr. President, I have discussed this with the Senator from Arizona, who is here on the floor for purposes of that debate. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Arizona.

Mr. KYL. Mr. President, I thank the chairman and Senator WARNER. Let me read a portion of a letter from the Department of Justice first, and I will include it for the RECORD at the conclusion of its reading. This letter is addressed to Chairman PAT LEAHY of the Judiciary Committee. It begins by saying—it is dated June 6 of this year.

This letter presents the views of the Department of Justice on S. 185, the ''Habeas Corpus Restoration Act of 2007,'' as introduced in the U.S. Senate. If enacted, S. 185 would remove the habeas corpus restrictions included in the ''Military Commissions Act of 2006.''

After a full and open debate, a bipartisan majority of Congress passed the MCA just last fall. The MCA's restrictions on habeas corpus codified important and constitutional limits on captured enemies' access to our courts. The DC Circuit upheld MCA's habeas restrictions in—the name of the case is Boumediene v. Bush—I will omit the citation—decided in 2007.

The provision of S. 185 that seeks to remove these important limits ignores their history and their role in protecting our Nation's security. As the Supreme Court recognized in Johnson v. Eisentrager, a 1950 case, the extension of habeas corpus to alien combatants captured abroad ''would hamper the war effort and bring aid and comfort to the enemy,'' and the Constitution requires no such thing. The United States already provides alien enemy combatants detained at Guantanamo Bay, Cuba, with an unprecedented degree of process, which includes judicial review of decisions regarding their detention before the Federal appeals court in Washington, DC. Repealing the MCA's limitations on habeas would simply burden our courts with duplicative and unnecessary litigation. For this reason, and because repeal of the MCA's habeas provisions would delay and disrupt the vital work of bringing enemy combatants to justice, the President's senior advisors would recommend that he veto S. 185 if the bill is presented to him for signature.

There is more of the letter, but I will submit it for the RECORD at this point.

I note that the amendment offered by Senator LEAHY is virtually the same, if not the same, as the bill introduced. I am presuming that the President's senior advisers would, as a result, also recommend a veto of the bill if it included this provision.

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

JUNE 6, 2007.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This letter presents the views of the Department of Justice on S. 185, the ''Habeas Corpus Restoration Act of 2007,'' as introduced in the United States Senate. If enacted, S. 185 would remove the habeas corpus restrictions included in the ''Military Commissions Act of 2006'' (''MCA'').

After a full and open debate, a bipartisan majority of Congress passed the MCA just last fall. The MCA's restrictions on habeas corpus codified important and constitutional limits on captured enemies' access to our courts. The D.C. Circuit upheld the MCA's habeas restrictions in Boumediene v. Bush, 476 F.3d 981 (D.C. Cir. 2007), cert. denied, 127 S. Ct. 1478 (2007). The provision of S. 185 that seeks to remove these important limits ignores their history and their role in protecting our Nation's security. As the Supreme Court recognized in Johnson v. Eisentrager, 339 U.S. 763 (1950), the extension of habeas corpus to alien combatants captured abroad ''would hamper the war effort and bring aid and comfort to the enemy,'' id. at 779, and the Constitution requires no such thing, see id. at 780–81. The United States already provides alien enemy combatants detained at Guantanamo Bay, Cuba, with an unprecedented degree of process, which includes judicial review of decisions regarding their detention before the Federal appeals court in Washington, D.C. Repealing the MCA's limitations on habeas would simply burden our courts with duplicative and unnecessary litigation. For this reason, and because repeal of the MCA's habeas provisions would delay and disrupt the vital work of bringing enemy combatants to justice, the President's senior advisors would recommend that he veto S. 185 if the bill is presented to him for signature.

Thank you for your consideration of our views. If we may be of further assistance, please do not hesitate to contact us. The Office of Management and Budget has advised us that there is no objection to this letter from the perspective of the Administration's program and that enactment of S. 185 would not be in accord with the President's program.

Sincerely,

ALBERTO R. GONZALES,
Attorney General.

Mr. KYL. Now, the Defense authorization bill is extraordinarily important to our troops. To add a totally extraneous provision amending a different bill to the Defense authorization bill, especially one which carries the suggestion of a Presidential veto, would be the height of irresponsibility on the part of the Senate. The substantive arguments of the Department of Justice with respect to habeas are correct, and the Senate should not, therefore, seek to amend another statute in the Defense authorization bill, thus inviting a veto of the bill.

Related to the habeas corpus provision is the amendment that is now pending offered by Senator GRAHAM of

South Carolina. That amendment would strike a provision of the Defense authorization bill—section 1023—that also relates to the subject of treatment of detainees. Unfortunately, the way the committee bill was written, the bill that is before us right now, if we retain that language and we don't strike it, as the Graham amendment would do, we would essentially be returning to a law enforcement approach to terrorists that, frankly, failed us before 9/11 and obviously does not work in the post-9/11 context. We can't deal with all of the enemy combatants as criminal defendants. These people who are picked up on the battlefields of Iraq and Afghanistan cannot be dealt with in the same way as criminal defendants in our court system. Senator GRAHAM's amendment would strike these harmful provisions of the bill.

I wish to begin by reminding my colleagues of the evil nature of these terrorists and then go through the three particular parts of this provision that require removal.

First, a requirement that al-Qaida terrorists held in Iraq and Afghanistan be given lawyers—I mean, just imagine that; second, the authorization to demand discovery and compel testimony from servicemembers; and third, the requirement that al-Qaida and Taliban detainees be provided access to classified evidence. To state these three provisions of the bill is to recognize immediately why it is so harmful that they be included in this bill and why they need to be stricken, but focus for just a moment on the people we are talking about held at Guantanamo Bay and picked up in Iraq and Afghanistan.

At least 30 of the detainees released already from Guantanamo Bay have since returned to waging war against the United States and our allies. Of course, the provisions of section 21 are all designed to effectuate the release of some of these prisoners—some of these detainees. So 30 have already been released because we no longer deemed them to be a threat to the United States or our forces, but after their release, 12 of the released detainees have been killed in battle by U.S. forces or—well, by U.S. forces; others have been captured. In other words, we released them, they went right back to the battlefield, 12 of them have been killed in battle, others have been recaptured, 2 released detainees became regional commanders for Taliban forces, and 1 attacked U.S. and allies' soldiers in Afghanistan, killing 3 Afghan soldiers.

One released detainee killed an Afghan judge. One released detainee led a terrorist attack on a hotel in Pakistan and a kidnapping raid that resulted in the death of a Chinese civilian, and this former detainee recently told Pakistani journalists that he planned to ''fight America and its allies until the very end.''

Even under the procedures today, which give due process to these detainees and allow them to be released if we can no longer demonstrate they are a threat to U.S. forces—even under these provisions, at least 30 of the detainees have gone right back to the battlefield and are attacking us and our forces.

The provisions of section 1023 would make it very difficult, if not impossible, for the United States to detain committed terrorists such as this, people who have been captured while waging war against us. No nation in the history of armed conflict has imposed the kinds of limits this bill would impose on its ability to detain enemy war prisoners. War prisoners released in the middle of an ongoing conflict, such as members of al-Qaida, will return to waging war. That is the whole point of prisoners of war. In the war you capture people and hold them so they cannot return to the battlefield to kill your troops. We have already seen this happen 30 times with the detainees released from Guantanamo, as I said.

If section 1023 were to be enacted, we could expect more civilians and Afghans and Iraqis will be killed, and it may be inevitable that even our own soldiers will be killed by such released terrorists. This is a price our Nation should not be forced to bear.

I mentioned three specific general problems with section 1023. The first has to do with a requirement of the bill that al-Qaida terrorists who are held in Iraq and Afghanistan must be provided with lawyers. I cannot imagine that the details of this were known to the members of the committee when they put it into the bill. This could never be executed. It would require the release of the detainees; either they get lawyers or they have to be released. And here is why. The Defense bill requires that counsel be provided and trials be conducted for all unlawful enemy combatants held by the United States, including, for example, al-Qaida members captured and detained in Iraq and Afghanistan, if they are held for 2 years. We hold approximately 800 prisoners in Afghanistan and tens of thousands in Iraq. None are lawful combatants; all would arguably be entitled to a lawyer and a trial under this bill. This procedure would at least require a military judge, a prosecutor, and a defense attorney, as well as other legal professionals.

This scheme is totally unrealistic. The entire Army JAG Corps only consists of about 1,500 officers, and each is busy with their current duties. Moreover, under the bill, each detainee would be permitted to retain private or volunteer counsel. Our agreements with the Iraqi Government bar the United States from transferring Iraqi detainees out of Iraq. As a result, the bill would require the United States to train, transport, house, and protect potentially thousands, or tens of thousands, of private lawyers in the middle of a war zone during ongoing hostilities. That is impossible.

Think about this in the context of other conflicts, not just in Iraq or Afghanistan. In the context of World War II, anybody hearing this would think it is nuts. But the bill before us literally requires us to provide attorneys to these captured detainees in Iraq—tens of thousands of them. This proposal would likely force the United States to release thousands of these enemy combatants in Iraq, as I said, because there is no way you could provide all of the lawyers to them. Obviously, that would further jeopardize our military. By requiring a trial for each detainee, this provision would also require U.S. soldiers to offer statements to criminal investigators, needing later to prove their case after they captured someone. In other words, unlike today, when you are on the battlefield and you capture somebody and you hold them because they are a threat, but you are not putting them on trial, now you are going to put them on trial and you have to have the kind of evidence that would stand up in court. You have watched the TV shows with the clever defense lawyers. You know about, ''I object, Your Honor; that is not relevant,'' or ''that is hearsay.'' On the battlefield, who walks around with lawyers making sure Miranda rights are read and evidence is collected and statements are taken that will hold up in court when they are later tried? And they would need to carry evidence kits and cameras, means of identifying the person later on. Two years after you capture someone, the defense lawyer could say: Is that the person you captured? And if he says, ''Well, those guys all kind of looked alike to me when they were shooting at me, so I cannot be sure,'' well, the case will get thrown out of court. Or was there a chain of custody of the evidence? You would have to do that with the evidence taken on the battlefield or it would be thrown out in court. They would need to spend hours after each trial writing after-action reports, which would need to be reviewed by commanders. Valuable time, in other words, would be taken from combat operations and soldiers' rest whenever they capture somebody on the battlefield.

A horrible precedent would be set for the future. Aside from the war in Iraq, this provision would make fighting a major war in the future simply impossible. In World War II, we detained over 2 million enemy prisoners of war. It would have been impossible for the United States to have conducted a trial and provided counsel to 2 million captured enemy combatants. The bottom line, with respect to this provision, section 1023, the requirement of counsel for these detainees held in Iraq and Afghanistan, is that it would be impossible to implement. It is patently absurd and, as a result, it should be stricken.

The second point is authorizing al-Qaida detainees to demand discovery and compel testimony from American soldiers. I alluded to that a second ago. The underlying bill would actually authorize unlawful enemy combatants, including al-Qaida detainees in Iraq and Afghanistan, to demand discovery

and compel testimony from witnesses, just as we do in our criminal courts in the United States. These witnesses would all be the U.S. soldiers who captured the prisoner. Under the bill, an American soldier could literally be recalled from his unit at the whim of an al-Qaida terrorist in order to be cross-examined by him, or his lawyer, or a judge.

Newspaper columnist Stuart Taylor describes the questions such a right would raise:

> Should a Marine sergeant be pulled out of combat in Afghanistan to testify at a detention hearing about when, where, how, and why he had captured the detainee? What if the northern alliance or some other ally made the capture? Should the military be ordered to deliver high-level al-Qaida prisoners to be cross-examined by other detainees and their lawyers?

It goes on and on. The questions abound. As the Supreme Court itself observed in Johnson v. Eisenstrager, which is the law on this subject:

> It would be difficult to devise a more effective fettering of a field commander than to allow the very enemies he is ordered to reduce to submission to call him to account in his own civil court and divert his efforts and attention from the military offensive abroad to the legal defensive at home.

This is the U.S. Supreme Court talking not long after World War II, when a question similar to this arose, and a Justice of the Supreme Court says it ''would be difficult to devise a more effective fettering of a field commander than to allow the very enemies he is ordered to reduce to submission to call him into account in his own civil court and divert his efforts and attention from the military offensive abroad to the legal defensive at home.''

It would be difficult to conceive of a process that would be more insulting to our soldiers.

In addition, many al-Qaida members captured in Afghanistan were captured by special operators whose identities are kept secret for obvious reasons. This would force them to reveal themselves to al-Qaida members and expose themselves, or simply forgo the prosecution of the individual, which is obviously more likely to happen. You simply could not do all of this, so you would have to forgo the prosecution and release the prisoner.

Clearly, Americans should not be subject to subpoena by al-Qaida. Think about that. That brings me to the last point—the requirement that al-Qaida and Taliban detainees be provided with access to classified evidence. You would have to give the enemy your classified evidence, the sources and methods of your intelligence operations, in order to prosecute them, which is what would be required by the bill.

Here is the exact language. The bill requires that detainees be provided with ''a sufficiently specific substitute of classified evidence'' and that detainees' private lawyers be given access to all relevant classified evidence.

When this bill was brought up in the Senate, some Members questioned whether this bill requires us to share classified information with al-Qaida detainees and their lawyers. I will direct this to specific pages and lines of the bill to show what it does.

On page 305, lines 16 through 21, the bill expressly provides that ''the detainee'' must be provided—I am quoting now—access to a ''sufficiently specific'' summary of ''the classified evidence that is submitted against the detainee.'' This language appears to mirror the Classified Information Procedures Act rules that apply to the use of classified information in Federal courts. Like CIPA, these procedures give a detainee a right to the substance of classified evidence. The Government might be able to redact some names or other information, but only if it still gives the detainee the substance of the evidence. And if the United States is not willing to compromise the evidence in this way, it cannot use the evidence.

Similarly, at page 305, line 5, the bill expressly requires that under its provisions, ''counsel for the detainee is provided access to the relevant classified evidence.'' I don't know how you can be any more specific than that. His lawyer gets to see relevant classified evidence.

Foreign and domestic intelligence agencies are already very hesitant to divulge classified evidence to the CSRT hearings we already conduct. These are part of the internal and nonadversarial military process today. Intelligence agencies will inevitably refuse to provide sensitive evidence to detainees and their lawyers. They will not risk compromising such information for the sake of detaining one individual terrorist.

In addition, the United States already has tenuous relations with some of the foreign governments, particularly in the Middle East, that have been our best sources of information about groups such as al-Qaida. If we give detainees a legal right to access such information, these foreign governments would simply, I presume, shut off all further supply of information to the United States. Why would they do otherwise? They don't want to expose their own sources, compromise their evidence, or expose even the fact that they have cooperated with the United States. By exposing our cooperation with these governments, the bill perversely applies a sort of ''stop snitching'' policy toward our Middle Eastern allies, which is likely to be as ruthlessly effective as when applied to criminal street gangs to potential witnesses to a crime in the United States.

Some of our best information is gained from foreign intelligence services who, like us, are trying to find out everything they can about these terrorists. Once they know we have to turn the information they gave us over to the terrorists, they are going to stop cooperating with us.

The argument I presented—that sharing classified evidence with al-Qaida detainees and their lawyers would badly damage America's efforts in the war with al-Qaida—was recently reinforced by several declarations that were recently introduced in the ongoing Bismullah litigation. These declarations were filed by the Director of National Intelligence, the Director of the CIA, and by the Director of the Federal Bureau of Investigation, our three top intelligence agencies. Together, these statements confirm that sharing classified information with detainees and their lawyers would not only inevitably lead to leaks of sensitive information, but that it would violate American intelligence agencies' agreements with foreign governments and with confidential human sources—violations that would inevitably undermine these organizations and individuals' willingness to cooperate with the United States in the future.

The final point is that we already know, from hard experience, that providing classified and other sensitive information to al-Qaida members is a bad idea. During the 1995 Federal prosecution in New York of the ''blind sheikh,'' Omar Rahman, prosecutors turned over the names of 200 unindicted coconspirators to the defense. They were required to do so under the civilian criminal justice system of discovery rules, which require that large amounts of evidence be turned over to the defense. The judge warned the defense that the information could only be used to prepare for trial and not for other purposes. Nevertheless, within 10 days of being turned over to the defense, the information found its way to Sudan and into the hands of Osama bin Laden. As the district judge who presided over the case said, ''That list was in downtown Khartoum within 10 days, and bin Laden was aware within 10 days that the Government was on his trail.''

That is what happens when you provide classified information in this context.

In another case tried in the civilian criminal justice system, testimony about the use of cell phones tipped off terrorists as to how the Government was monitoring their networks. According to the judge, ''There was a piece of innocuous testimony about the delivery of a battery for a cell phone.'' This testimony alerted terrorists to the Government surveillance and, as a result, their communication network shut down within days and intelligence was lost to the Government forever—intelligence that might have prevented who knows what.

This particular section of the bill, 1023, repeats the mistakes of the past. Treating the war with al-Qaida similar to a criminal justice investigation would force the United States to choose between compromising information that could be used to prevent further terrorist attacks on one hand and on the other letting captured terrorists go free. As I said before, this is not a choice our Nation should be required to make.

Let me read a couple of the quotations I alluded to earlier from the

Director of the Central Intelligence Agency, GEN Michael Hayden, relative to the damage that would be caused by requiring this classified information to be turned over to the defendant or his lawyers:

. . . [M]uch of the information that is potentially discoverable was provided to the CIA by foreign intelligence services or discloses the specific assistance provided by the CIA's global partners in the global war on terror. If the CIA is compelled to comply with the Court's decision, the CIA will be obligated to inform its foreign liaison partners that a court order requires that the CIA provide this information to the Court and detainee counsel. There is a high probability that certainly liaison services will decrease their cooperation with the CIA because of the extent that their information has become enmeshed in U.S. legal proceedings. . . .

He goes on:

[S]ome information discoverable under the Court's decision originated with, or pertains to, clandestine human intelligence sources. These individuals provide information or assistance to the CIA only upon the condition of absolute and lasting secrecy. Revealing this information—even to the Court or to cleared counsel—would expressly violate these agreements, and would irreparably harm the CIA's ability to utilize current sources and to recruit sources in the future. . . .

Let me read one other comment from General Hayden, the Director of the CIA:

. . . With over 300 detainees at Guantanamo Bay, Cuba, it appears that compliance with the Court's decision will require disclosure to several hundred—perhaps more than one thousand—private attorneys who are not employees of the U.S. Government and who are not trained in handling classified information. With so many untrained individuals allowed access to such sensitive information, I believe that unauthorized disclosures, even if inadvertent, are not only probable, but inevitable. The regulations controlling access to classified information recognize that limiting the number of people with access is a necessary step in safeguarding sensitive information. The Court's decision would eviscerate the U.S. Government's carefully conceived plan to keep its most highly sensitive information compartmentalized and would increase the likelihood of public disclosure.

I quote a comment from Robert Mueller, the Director of the Federal Bureau of Investigation, in his affidavit to the court in the case I mentioned:

Disseminating human source information could reasonably lead to the disclosure of their identities because often the information provided by human sources is singular in nature.

In other words, he is the only person who knows about it, so when the information is divulged, then the other side knows exactly where it came from.

Back to Director Mueller:

The disclosure of singular information could endanger the life of the source or his/her family or friends, or cause the source to suffer physical or economic harm or ostracism within the community. These consequences, and the inability of the FBI to protect the identities of its human sources, would make it exceptionally more difficult for the FBI and other U.S. intelligence agencies to recruit human sources in the future.

These are the kinds of irreparable harm that would result if the language of section 1023 remains in the bill. Not my words, but Director Mueller of the FBI, General Hayden, the Director of the CIA, and now I quote from the Director of National Intelligence, Michael McConnell. Admiral McConnell had this to say:

. . . [T]he Intelligence Community has many sources of information that must be protected. For example, much of the information at issue was provided by foreign intelligence services or would reveal the specific assistance provided by foreign partners in the global war on terror. Certain liaison services will likely decrease their cooperation with the U.S. Government if their information is caught up in U.S. court proceedings.

One final comment.

. . . Human sources also provide the Intelligence Community with critical information, but only upon the condition of absolute secrecy. Revealing this information would violate the sources of confidentiality we provide these sources and would likely result in their minimizing or ceasing altogether their cooperation. Such a disclosure would harm the Intelligence Community's ability to retain current sources and recruit new ones, and if we cannot recruit and retain sources, the Intelligence Community simply cannot conduct its business.

That is the point of Senator GRAHAM's amendment to strike these provisions from the bill. They would irreparably harm our intelligence collection capability, which is the first defense against these terrorists. That is why the Graham amendment striking section 1023 should be adopted.

We have already bent over backward to provide the detainees at Guantanamo the ability to contest their detention and to have their detention reviewed and eventually even have it reviewed in the U.S. Supreme Court, and before that the Circuit Court of Appeals.

This is a very fair system, more fair than has ever been provided by any other nation in any other circumstance and more than our Constitution requires. So we are treating the people we capture in a very fair way.

What we cannot do is to take those same kinds of protections and apply them anywhere we capture someone in the foreign theater. And as I said before, never in the history of warfare have they been subjected to the criminal justice system of our country. To take that system and try to transport it to the fields of Afghanistan and Iraq would obviously not only be breaking precedent but is a horrible idea for all the reasons I indicated.

I ask my colleagues to give careful attention to the dangerous return to the pre-9/11 notion that these terrorists are, after all, only common criminals and we have to treat them that way. They have made no secret that they are actually at war with us, and we ignore this point at our peril.

I remind my colleagues that the Statement of Administration Policy on this bill says the President will be advised to veto the bill if section 1023 remains in the bill and refer again to a similar statement from the Department of Justice with respect to the habeas corpus provisions that would be added to the bill in the amendment of Senator LEAHY.

I hope my colleagues will take all of this information into account when they consider voting on these amendments in this very important Defense authorization bill which we need to pass and the President will want to sign so we can do what is necessary to support our troops whom we have sent into harm's way.

I urge my colleagues to support the Graham amendment to strike section 1023 and not to support the additional habeas corpus rights to terrorists who attack our troops.

The PRESIDING OFFICER (Ms. STABENOW). The distinguished Senator from Connecticut.

Mr. DODD. Madam President, first, I want to commend Senator LEVIN and Senator WARNER for their leadership on this legislation. It is not news that they do a good job. They do it consistently year in and year out. This may be one of the last Defense authorization bills in which Senator WARNER is involved, having made his announcement about his decision to retire from the Senate. He has another year, next year, on the Defense authorization bill. I already sense the notion of missing him here. While he is not in the Chamber this evening, I commend Senator WARNER and Senator LEVIN for the fine work they do year in and year out on this very important issue.

I rise today to urge my colleagues to join in supporting the Specter-Leahy-Dodd amendment to restore the writ of habeas corpus for individuals held in U.S. custody. I am pleased to be an original cosponsor of this amendment and a cosponsor of the underlying bill from which it draws its strength, S. 185, the Habeas Corpus Restoration Act, also introduced by Senators SPECTER and LEAHY.

For over 700 years, the legal system has recognized the importance of habeas corpus, the right of an individual to question the legality of his or her detention.

The Military Commissions Act is perhaps the most disappointing and dangerous piece of legislation passed in the more than quarter-century I have been a Member of this body. Among its many troublesome provisions, the act eliminated habeas corpus for those individuals held by our Government as enemy combatants. By stripping these individuals of the right to petition the Government, we have undermined our Nation's longstanding commitment to the rule of law and human rights. Advocates of this provision argued that stripping away this fundamental right was necessary to protect our Nation's security. That is totally false, in my view. We can both effectively prosecute terrorists and remain true to our values. In fact, if we do otherwise, I strongly suggest that we jeopardize our security.

I stand on the floor of the Senate seeking to undo what Congress did last year when it summarily stripped habeas corpus rights with the enactment of the Military Commissions Act. Were our Founding Fathers alive today, I believe they would be seriously dismayed to realize how far our country has strayed from the values enshrined in our Constitution with the adoption of this measure.

Stripping of habeas corpus rights is just one of a number of egregious provisions included in the Military Commissions Act. That is why earlier this year I introduced S. 576, the Restoring the Constitution Act, to address these errors.

In addition to restoring habeas corpus rights, S. 576 would also require the United States to live up to its Geneva Convention obligations, provide detainees access to attorneys for trials, make inadmissible trial evidence gained through torture or coercion, empower military judges to exclude hearsay evidence they deem to be unreliable, and provide for the expedited judicial review of the Military Commissions Act of 2006 to determine the constitutionality of all of its provisions.

The Restoring the Constitution Act would undo the most damaging and unconstitutional aspects of the Military Commissions Act while providing the U.S. military a greater ability to bring our enemies to justice through military commissions.

I take a back seat to no one when it comes to defending our Nation's security. Let me be clear, I believe military commissions in very limited circumstances may be very effective in bringing combatants to justice. However, I see no reason why procedures based on the well-established, Uniform Military Code of Justice should be abandoned.

But there is a right way and a wrong way to win the fight we are in. Procedures that adhere to immediate bedrock legal principles, such as habeas corpus, abide by the Geneva Conventions, and exclude hearsay evidence or evidence obtained through torture, to name but a few, do not make us weaker. Quite the contrary. They demonstrate that no terrorist can destroy our way of life and our fundamental values that have guided our Nation for over two centuries.

During the debate on the Military Commissions Act last year, Senator SPECTER, Senator LEAHY, and I offered an amendment that would have retained the writ of habeas corpus. Unfortunately, our amendment was rejected by this body.

On September 28, 2006, I voted against the Military Commissions Act. Sadly, I was in the minority in doing so. I was and remain deeply disappointed that the Senate passed this misguided legislation. That day was a dark day in the history of this body. On that day, we abandoned our commitment not only to human rights, but also to the rule of law, commitments that separate us from our enemies, commitments that have been fundamental to American leadership since the end of World War II.

This issue has special resonance with me because of my father, Thomas Dodd, who sat in this very body at this very desk, as a member of the Senate from Connecticut. Years before, in 1945 and 1946, before becoming a Member of Congress, my father was a prosecutor working alongside Justice Robert Jackson at the Nuremberg war crimes trials in Germany. There the United States demonstrated to the world its profound commitment to the rule of law, due process, and human rights. Many of our allies did not see the need for trials for Nazis held by allied forces. Indeed, many of them called for summary executions. The Soviet Union wanted a show trial and then to shoot the defendants at Nuremberg. Winston Churchill, the former British Prime Minister, also advocated summary execution for the defendants at Nuremberg.

The United States, Judge Robert Jackson, Henry Stimson, the Republican Secretary of War under Franklin Roosevelt, Ben Rosen, Robert Jackson and my father argued, that, no, we were different. The United States was going to demonstrate to the world that civility and the rule of law was what was at stake in the war with Germany and Japan and that we would not succumb to the same kind of treatment they gave to their victims.

The opening statement made by Robert Jackson at Nuremberg, a statement which I put to memory a long time ago, indicates the difference we brought to this issue. Robert Jackson, speaking of the Soviet Union, the British, the French, and the United States, said on that occasion:

> That four great nations, flushed with victory and stung with injury stay the hand of vengeance and voluntarily submit their captive enemies to the judgment of the rule of law is one of the most significant tributes that power has ever paid to reason.

Instead, we gave the Nazis—members of the world's most barbaric regime—the protections and the rights of the rule of law.

The Nuremberg trials not only brought many of the Nazi war criminals to justice—most were executed—but helped to demonstrate to the world the importance of providing even the most heinous of criminals the protections of the rule of law. Doing so makes our Nation incalculably stronger, not weaker at all.

But I fear Congress has allowed the President to diminish our Nation's commitment to human rights and the rule of law. We have failed to stand up for our most cherished values. We let fear—the fear of being seen as weak—override our duty to protect the Constitution and the values of our Nation.

It is not too late to right the wrong of last year. We will have that opportunity in the next day or so. While I am hopeful the Federal courts will strike down many of the provisions of the Military Commissions Act, I believe a decision earlier this year by the U.S. Court of Appeals for the District of Columbia demonstrates the need for the amendment before us today by Senators LEAHY, SPECTER, myself, and others.

On February 20, 2007, the U.S. Court of Appeals for the District of Columbia upheld the provisions of the Military Commissions Act eliminating the writ of habeas corpus for enemy combatants. Despite two recent Supreme Court decisions suggesting that habeas rights cannot legislatively be stripped away, the split decision by the U.S. Court of Appeals for the District of Columbia underlines the need for this body to proactively act now to unambiguously restore habeas rights.

For more than 60 years, the United States has helped to lead the world through its commitment to human rights, democracy, and the rule of law. Last year, our Nation lost the moral high ground. This year, Congress must reassert to the Nation, the President, and the courts that we recognize the vital role of habeas corpus in our legal system.

I believe the Specter-Leahy-Dodd amendment is the first step in undoing the terrible damage the Military Commissions Act has done to our legal system and our international reputation. I implore my colleagues to begin today to undo the harm done to our Nation's reputation by voting to restore habeas rights, which have always been a core element of our jurisprudence, and once again restore the moral authority we captured more than 60 years ago at a place called Nuremberg. This generation bears no less a responsibility to protect those basic rights that are the foundation of our great Nation.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I was absent from the floor when my distinguished colleague was thoughtful enough to make a few comments about his old friend, but it is deeply appreciated, and I thank my dear colleague very much. We have done many things together, and I have more to go.

Mr. DODD. You bet.

Mr. WARNER. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, I, too, wanted to echo the comments of the distinguished Senator from Connecticut. I am sure Senator WARNER will be recognized many times between now and the time he finally takes his last vote in this Chamber, and as he pointed out, he has a long way to go before that time comes over the course of the next several months. But so many of us respect what he has done over the years as ranking member and chairman of the Armed Services Committee, and his work will, in fact, be greatly recognized.

Madam President, I wish to make one quick point in response to what the Senator from Connecticut pointed out, recalling his very famous father, somebody who served in this body and served our Nation well in other capacities, including at Nuremberg, and his friend, Justice Jackson, the same Justice Jackson whom I quoted.

The Senator wasn't on the floor, but I quoted Justice Jackson in the Eisentrager case to point out that nothing could fetter our commanders more than to require habeas corpus rights for the German prisoners of war or the prisoners who were at issue in the Johnson v. Eisentrager case. Justice Jackson himself recognized that the procedures that were awarded to the 50-some war criminals at Nuremberg were not the same kinds of procedures that were being sought in the Eisentrager case. And the habeas corpus rights that would be granted under the Leahy amendment are far different from the rights that were granted to the Nuremberg war crimes defendants.

I think one question that would be interesting to ask of the proponents of the legislation is, if we simply took the rights that were granted to the war criminals tried at Nuremberg and gave those rights to the detainees at issue here, would that be a satisfactory result? I suspect the answer would be no because they are nowhere near the rights that would be included in the amendment that is pending.

So to cite Justice Jackson is to refer back to what he said in Eisentrager and recognize that nothing, according to him—and I agree—would more fetter our commanders and our troops than granting habeas rights to prisoners or enemy detainees.

Madam President, I might make one further point. I am trying to recall how many defendants there were at Nuremberg. My recollection of the number tried for war crimes is that there were approximately 50. I may be off by a few on that number, but I think my point would still remain, which is that it is one thing to try 50 war criminals out of over 2 million POWs, and it is quite another to grant all 2 million the rights of war criminals. We have tried some of the detainees as the equivalent of war criminals in our courts—Padilla is one of them—but that is not to say we should hold the same criminal trials for all of the tens of thousands of detainees being held in Iraq or Afghanistan.

Mr. SESSIONS. Madam President, will the Senator yield for a question?

Mr. KYL. I will yield, yes.

Mr. SESSIONS. I had the distinct pleasure of visiting Carrollton, AL, in Pickens County, where they have a museum to maintain the history of a large German prisoner of war camp in the United States. The Senator mentioned that certain legal rights were accorded 50 or so prisoners. But those were prisoners tried in Nuremberg after the war—after the war—for war crimes.

Now, is the Senator aware of any instance in either the German camps or other prisoners who may have been held in the United States during wartime being provided habeas rights?

Mr. KYL. Madam President, that is a great question, and the answer is that there have never been, in the history of the world, habeas rights granted to enemy detainees or prisoners of war in order to challenge the fact of their detention by either the United States or by the other country from which the great writ came—England. They have never been granted. So the answer is there is no precedent whatsoever. That is why, when colleagues say we want to restore habeas rights, that is an incorrect characterization. Enemy combatants and POWs have never had habeas rights to challenge their detention as a matter of being provided by our Constitution. Never has our Constitution been interpreted as requiring those rights.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I wish to thank Senator KYL for his hard work on these important issues. He is a superb lawyer who is a senior member of the Judiciary Committee, on which I serve, and he has been a member of the Intelligence Committee. He understands these issues and, thanklessly, he devotes hours of his time to try to research and study Supreme Court cases to try to make sure we do the right thing here.

The most important thing for us to remember is this, and Senator KYL just said it, that the refrain we are hearing about restoring habeas rights to prisoners of war, even unlawful combatant detainees, is not so. We have not done that, and it is a matter that is quite clear.

The origin of the great writ—the writ of habeas corpus—can be traced back to the Magna Carta in the 13th century. It is truly a great writ. It is truly a powerful tool for any person who is being detained to demand that someone, somewhere come forward and tell the world why they are being detained. That is what totalitarian and Communist governments do all the time. These kinds of dictators and Communists and Nazis go out and grab people and put them in jail and never charge them, never announce where they are, even. So that is not what we want to do here. However, never in the history of the writ's existence has an English or American court granted habeas to enemy combatants held during a time of war. As early as 1793, the American courts—1793—recognized that foreign prisoners held by the military during armed conflict have no inherent right to judicial review of their detention. They have no inherent right to that. You do have an inherent right by writ of habeas corpus if you qualify and meet the criteria.

So that year, in 1793, a district court in Pennsylvania said:

> Courts will not grant a habeas corpus in the case of a prisoner of war because such a decision on this question is in another place being a part of the rights of sovereignty.

In other words, national power.

The Supreme Court of the United States reaffirmed that position in 1950 in a case called Johnson v. Eisentrager. In that case, the Supreme Court made expressly clear that U.S. constitutional protections do not apply to aliens who are detained outside the borders. It was the first case to deal with a habeas petition of enemy combatants detained outside the borders of the United States since the statute was originally enacted as part or the Judiciary Act of 1789. It is now codified as 28 U.S.C. Section 2241.

In that case, German nationals living in China during World War II, having never lived in the United States, were accused of violating the laws of war. They were tried by a U.S. military tribunal in China, convicted, and sent to Landsberg Prison in Germany, then an occupied sector of Germany, to serve their sentences. Some of the convicts, including Eisentrager, questioned the legality of their trials and filed for a writ of habeas corpus to the United States District Court for the District of Columbia, right here in DC, stating that the military's actions violated their rights as guaranteed by several portions of the U.S. Constitution, including article III of the fifth amendment. In denying habeas to these German nationals, the court expressly rejected the argument that enemy combatants detained overseas have a constitutional right to petition U.S. courts for habeas relief, noting that:

> Nothing in the text of our constitution extends such a right.

It rejected the view that the U.S. Constitution applies to enemy war prisoners held abroad. The court claimed:

> No decision of this court supports such a view. None of the learned commentators on our Constitution has ever hinted at it. The practice of every modern government is opposed to it.

Where do we keep coming up with this idea that habeas is applicable to prisoners of war? I am baffled. The Court explained emphatically that such a constitutional entitlement would hamper the war effort and bring aid and comfort to the enemy.

> Habeas proceedings would diminish the prestige of our commanders, not only with enemies but with wavering neutrals. It would be difficult to devise a more effective fettering of a field commander than to allow the very enemies he is ordered to reduce to submission to call him to account in his own civil courts and divert his efforts and attention from the military offensive abroad to the legal defensive at home.

That is a pretty clear statement. How could it be otherwise? Congress authorizes a state of hostilities. We fund it. The President, as the Commander in Chief, the military commanders execute it, and now we have it in our heads somehow that the persons

our commanders are charged with reducing to submission have a right to sue us.

The Court further held—this is in 1950—that the fifth amendment is inapplicable to aliens abroad and, in reasoning fully applicable to the suspension clause, explained ''extraterritorial application of organic law'' to aliens would be inconceivable.

Writing for the majority, Justice Jackson, who was referred to by Senator DODD and Senator KYL—a great Justice on the Court—stated:

> The Constitution does not confer a right of personal security or an immunity from military trial and punishment upon an alien enemy engaged in the hostile service of a government at war with the United States.

That is pretty plain language, wouldn't you say? I think that is the plain language of the Constitution. It does not give them immunity from military trial.

Even if, as opponents mistakenly argue, this amendment restores a statutory right to habeas, the Supreme Court has also held that Congress may freely repeal habeas jurisdiction if it affords an adequate and effective substitute or remedy. Essentially, if legislation strips habeas, according to the Supreme Court, the substitution of a collateral remedy which is neither inadequate nor ineffective to test the legality of a person's detention, does not constitute a suspension of the right of habeas corpus. In other words, if they provide some fair procedure for even prisoners of war that we decide is consistent with our military efforts and consistent with our sense of fairness, that does not confer and give a guaranteed right to a habeas corpus review.

The Military Commission Act of 2006 was drafted with these important Supreme Court precedents in mind. After careful negotiation among our Members and careful analysis of the Supreme Court's decision in Hamdan v. Rumsfeld, Congress went above and beyond what was required by the Constitution and the Geneva Conventions to ensure detainees, even terrorists, at Guantanamo Bay, had an adequate and effective substitute method to test the legality of their detention.

So we did that. We did not fail to respond. We did that. The MCA provides alien enemy combatants far more legal process than has ever been afforded by any country in the history of armed conflict.

I am not aware of a single country in the history of armed conflict that has provided more rights than our procedures that we have established under the Military Act that we passed and the President signed into law last October.

The Combatant Status Review Tribunal for detainees is more robust than those to which lawful combatants, honorable soldiers in organized militaries of a foreign nation, are entitled to under the Geneva Conventions.

Let me repeat that and drive home the importance of that concept. The Geneva Conventions were decided upon by a group of nations that came together and thought that during the course of military conflicts, too many things happened that are not justified and are not necessary and are damaging to people in ways that could not be justified. We wrote the conventions, the nations did, to try to ameliorate some of the problems in warfare. We said that if you have a lawful combatant, as part of the Geneva Conventions, a person who has signed up for his or her country, fighting for the country, who wears a uniform, who carries his weapons openly and does not act in a surreptitious manner, does not act in a terroristic manner but fight battles according to the laws of war—if captured, must be treated and afforded the protections of the Geneva Conventions.

That is a good standard of review and protection. Congress passed a law to provide for the people at Guantanamo, who are not lawful combatants but are unlawful enemy combatants and who have not historically been considered to have been covered by the Geneva Convention. We afforded them privileges that are not required even under the Geneva Conventions on how you handle detainees.

Let's talk about our present conflict, the war on terrorism. Former Attorney General John Ashcroft has made this point. If you think about it, it is worthy of our consideration. John Ashcroft is a great believer in American liberty, the rights of liberty, a key characteristic of the American people. But he points out we ought not to think about restraints that occur as some sort of a balancing test between liberty and control and domination. He says, when you engage in an action that is designed to protect us, the test should be not a balancing test, but the test should be: Does it improve liberty? In other words, if you go to the airport and have to go through one of those checking stations as I did today, the question is: Do you feel more free to fly, having had that inspection occur? Is your liberty to travel, is your liberty to fly safely and securely in an aircraft in America, enhanced because you take a couple of minutes to go through that line? Or not?

If it is, then that is a protection of liberty. We are indeed in a different world than we used to be, when threats fundamentally came from foreign nations. Now, even a few people with dedicated, malicious intent, with modern weapons of mass destruction and death can have tremendous impact on us. So what we are trying to do is execute lawful actions that improve our liberty, not deny liberty but to enhance liberty for all peace-loving and law-abiding American citizens.

I want to talk about Hamdi v. Rumsfeld. As part of the Judiciary Act of 1789, Congress conferred on the Federal courts jurisdiction to hear petitions for habeas corpus. Though the language has gone through minor changes since 1789, current law, now codified at 28 U.S.C. section 2241, is essentially the same grant of habeas corpus as originally enacted. The statutory language has never referred specifically to enemy combatants because such a grant was understood not to apply to those individuals detained during a time of war. Congress understood that detention of enemy combatants during time of war is strictly a military decision, since we do not allow enemy combatants to continue their war against us through the judiciary, through litigation.

Though the Supreme Court has repeatedly held that habeas corpus does not extend to alien enemy combatants detained outside the United States, some argue that Justice O'Connor's plurality decision in Hamdi v. Rumsfeld changed this precedent. In that decision, Justice O'Connor said:

> All agree that, absent suspension, habeas corpus remains available to every individual within the United States.

Proponents of this amendment that we are debating cite this statement by Justice O'Connor as proof that habeas relief is available to all those detained within the United States, regardless of whether they are an alien enemy combatant. Let me note that during World War II, there were 425,000 enemy combatants held within the United States, none of who were allowed relief through habeas petitions. Furthermore, reliance on that statement by Justice O'Connor is wrong, since the question in Hamdi was whether the executive had the authority to detain a U.S. citizen as an enemy combatant and whether that citizen detainee had habeas rights. Focusing on that narrow issue, the plurality referred specifically to the rights, in their opinion, the plurality opinion, of citizens, eight times in the opinion; and in the holding of the case—and the holding of the case is limited to the circumstances of the cases itself—Hamdi was, after all, a U.S. citizen.

Regardless, some advocates maintain that Justice O'Connor's otherwise inconsequential statement, too tenuous to constitute dicta, reversed years of settled precedent and for the first time granted habeas rights to illegal enemy combatants detained overseas. That proposition flies in the face of the commonsense interpretive rule that one does not hide elephants in mouseholes. Had the Hamdi Court intended to extend habeas rights to all individuals in the United States, not just citizens, including suspected foreign terrorists detained outside U.S. territory, it most assuredly would have articulated such a consequential ruling with more clarity. But Hamdi did not present that question and the Court did not resolve it. Moreover, as the Court aptly noted, quoting Eisentrager:

> Such extraterritorial application of organic law would have been so significant an innovation in the practice of government that, if intended or apprehended, it could scarcely have failed to excite contemporary comment.

Accordingly, had such a consequential holding been made in Eisentrager, it would have been met with prolific commentary from the legal community, from other Justices. It would have been an event, but that event did not occur—because it had no such meaning, of course, as evidenced by the lack of contemporary discussion. No decision subsequent to Eisentrager has reversed its holding that alien enemy combatants have no right to habeas protections guaranteed to American citizens by the U.S. Constitution.

Therefore, its holding remains governing law. Moreover, the issue now, if it ever could have been considered ambiguous, has been definitively resolved by the same judge who earlier granted Salim Ahmed Hamdan's habeas petition. Judge James Robertson, of the U.S. District Court for the District of Columbia, issued an opinion on December 13 in which he relied, in large part, on Eisentrager to justify his ruling that enemy alien combatants have no constitutional right to habeas corpus.

Judge Robertson, appointed to the bench by President Clinton, dismissed Hamdan's petition for habeas relief on the grounds that the MCA effectively denied his court's jurisdiction to hear the case; recognizing that Congress had removed Hamdan's statutory right to petition the D.C. Circuit Court for habeas relief.

Judge Robertson also held:

> Hamdan's connection to the United States lacked the geographical and volitional predicates necessary to claim a Constitutional right to habeas corpus.

Well, then, the Rasul case came along. Proponents of this amendment argue that they seek only to restore the right to habeas corpus as found by the Supreme Court in the 2004 case of Rasul v. Bush. Rasul took great pains to emphasize that its extension of habeas to Guantanamo Bay was based not on the Constitution, which clearly is a historic right we talked about on habeas, but it was based on some statute passed by Congress.

Some Justices may have wanted to make Rasul a constitutional holding, but there clearly was no majority for such a position. Supreme Court cases such as Eisentrager are still the governing law on the constitutional reach of habeas and the Congress's ability to limit its statutory application.

These precedents hold that aliens who are either held abroad or held here but who have no substantial connection to this country are not entitled to invoke the U.S. Constitution.

Rasul was an unprecedented decision which effectively and truthfully seemed to fly in the face of all previous Supreme Court and English case law. Several Justices in this case engaged in what I would submit to my colleagues is activism.

The Court extended the reach of the Federal habeas statute to Guantanamo Bay detainees. To my knowledge, this decision was the first time in recorded history that any court of any nation at war held that those whom its military had determined to be enemies had a right of access to its domestic courts and could sue the Commander in Chief to challenge their detention.

The Court based its analysis on the phrase, ''within their respective jurisdictions,'' as used in the Federal habeas statute and various decisions construing that particular provision.

Moreover, the Court expressly distinguished between the statutory and suspension clause holdings of Eisentrager and limited its analysis to only the statutory grant of habeas. The Court determined that the measure of the Guantanamo lease agreement between the United States and Cuba allows for the jurisdiction of habeas claims since the United States exercises plenary and exclusive jurisdiction over the land on which the naval base is situated, although it does not have ''ultimate authority.''

Furthermore, the majority, I think and others think, mischaracterized the congressional statute as meaning that the writ of habeas corpus could be issued if ''the custodian can be reached by service of process'' and not the detainee.

As Justice Scalia accurately pointed out in his dissent, the majority:

> springs a trap on the executive, subjecting Guantanamo Bay to the oversight of the Federal courts even though it has never before been thought to be within their jurisdictions and thus making it a foolish place to have housed alien wartime detainees.''

Furthermore, the decision opens a veritable Pandora's Box since it ''permits an alien captured in a foreign theater of active combat to bring a section 2241 petition against the Secretary of Defense.''

This case was a clear-cut example of, I believe, Supreme Court overreach. They seemed determined to do something about this. They wanted to do something about it. Apparently, they did not like it. So in straining to grant U.S. courts jurisdiction over terrorists held outside the United States, the Supreme Court determined, for the first time in history, that a simple lease agreement brought Guantanamo Bay within the jurisdiction of the court.

Read broadly, the majority opinion could be used to bring U.S. military bases and detention facilities across the world within the jurisdiction of the U.S. courts. Fortunately, in that opinion, Justice Kennedy did limit the application of the holding to Guantanamo Bay, Cuba.

Congress, however, addressed the issue because, remember, this was based on the Supreme Court's interpretation of a statute Congress passed and which Congress changed, not on the Constitution ratified by the American people.

So less than a year ago, Congress addressed the issue when it passed the Military Commissions Act, which precluded detainees from challenging their detention through habeas petitions.

Now, if the Court relied on the statute as we wrote it before, we can change that statute, and we did. In doing so, Congress adhered to Supreme Court precedent and created an effective and adequate substitute in the form of a Combatant Status Review Tribunals and allowing detainees an opportunity to challenge the determinations made by the tribunals, even in the district court in the District of Columbia.

So it set up a Combatant Status Review Tribunal so they can bring and make their argument, and if they do not like the military's determination on that, they can get to a Federal court. That is not habeas, but it is a pretty good procedure, more than ever has been given before to prisoners of war. So it seems we finally worked this thing out.

On February 20 of this year, the DC Circuit Court dismissed all pending habeas cases from the Guantanamo Bay detainees for lack of jurisdiction. Furthermore, on April 2 of this year, the Supreme Court denied a certiorari petition from the petitioners in Boumediene v. Bush and Al Odah v. United States, refusing to review their claims that the Military Commissions Act—that last year we passed—does not deprive courts of jurisdiction to hear their habeas corpus claims and that it would be unconstitutional to do so, for Congress to pass it. They rejected that.

The Court did not find it was unconstitutional, what Congress passed, and, in fact, found that Congress did what Congress intended to do, creating a substitute appellate process so prisoners could have a review of their detention but not give them the full panoply of habeas corpus rights provided to American citizens.

The Supreme Court, however, reversed itself on June 29 of this year and agreed to review both the Boumediene and Al Odah cases. This review could very well address the constitutionality of the habeas bars in the Military Commissions Act, and, much like this amendment, further undermine the executive's constitutional authority to detain enemy combatants in a time of war.

I hope the Supreme Court will not do that, but they have agreed to hear that case and give it one more final review. Certainly, as of this date, the case authority is clear, that the Constitution does not provide habeas protection to noncitizen enemy combatants on foreign territory not part of the United States.

I say that because people have come in on several points along the way and accused President Bush or the Attorney General or others of taking improper positions.

In most instances, the courts have ruled in favor of the executive in these cases, on a few cases they found those procedures not to be statutory or pass muster. But what I will say to you is, in these cases, in almost each instance

they have reversed previous law. So the executive branch and our military was operating under what they had every right to consider to be the settled law of the land.

So the Court comes in and changes that law. I do not believe our military should be condemned or criticized for taking action they felt, and had every right to believe, was legitimate when they took it.

Now, it is important to remember that the detainees at Guantanamo Bay are the most dangerous people who we have captured on the battlefield pursuant to executive war-making power. They have been determined to be ''alien enemy combatants'' and the courts have absolutely no role to play, in my view, in trying to second-guess the wartime decisions made by the executive branch, especially where Congress has given their stamp of approval to the process. It is not the Supreme Court's role to micromanage this war by making decisions that fall outside the scope of congressional authority.

The decisions made by the Supreme Court have long-lasting effect and are not easily undone. If we are unhappy with present foreign policy, Congress can cut off funds for the war or people can vote the President out of office. I would note President Bush was reelected on a promise to continue to pursue with vigor the war against terrorism and the war in Iraq.

Supreme Court Justices are appointed for life and are supposed to adjudicate the constitutionality of laws passed by Congress, not to legislate from the bench or to set foreign policy. This setting of foreign policy and conducting military operations are powers squarely within the purview of the executive branch not nine individuals with lifetime appointments sitting on a Court with black robes.

It is not within the court's jurisdiction to decide on war-making decisions but simply the constitutional power. It is important to note the Justices lack the knowledge, in many cases, to address the matter, or have any experience to make these decisions. Have any of them ever served on the frontlines during war, or if they have, have they ever served in a war on terrorism or been a JAG officer or been a company commander, someone who captured enemy prisoners?

A Court's opinion or personal views about this are not a matter that is impressive to me. We expect them to rule and to find Congress's statutes—we expect them to enforce the Constitution. But just to flip-flop around and try to decide that they do not like the way something is done at Guantanamo, and to issue an opinion, would be troubling to me. Hopefully, we will not get to that.

It has to be clear, as I have shown, that if we apprehend enemy combatants in the theater of war, it is within the executive branch's power to detain them until the hostilities are over. This is a separation of powers issue, and the courts should recognize that. Congress has already addressed what should be done with those detained at Guantanamo Bay. Last October, we granted those detainees unprecedented rights that have never before been provided to prisoners detained during war.

Under the current system that we have provided them, detainees have essentially five layers of protection when challenging detention or determinations made by the Government. All of this is already covered by current law. It was never the intent of Congress, however, to endow the statutory guarantee of habeas corpus to alien enemy combatants held during a time of war.

So if we proceed with the amendment that is before us, we are not restoring the right of habeas corpus; we are effectively overturning 800 years of legal authority and precedent in this area. To quote the distinguished ranking member of the Judiciary Committee, I submit that 800 years of American and English court history certainly constitutes ''super duper'' precedent.

Allowing terrorists to challenge their detention through habeas petitions filed in the DC Circuit courts would undermine military decisions made by the Executive and essentially put wartime decisions regarding the detention of those apprehended while engaged in hostilities toward this country in the hands of judges who are not qualified to make the decisions. They are not empowered to make the decisions. This is exactly why the Founders vested the Executive with this type of decision-making authority—decisiveness and ability to act quickly—and to undermine this power would be to trample on the Constitution we are sworn to defend.

Voting in favor of this amendment would be undermining the Executive authority in times of war by making it virtually impossible for the military to detain dangerous terrorists affiliated with al-Qaida and with the Taliban during the war on terror and allowing Federal judges to force the release of detainees whom the military have determined to be extremely dangerous. It is just that simple.

I am disappointed the Senate is proceeding forward with this amendment. I do not believe it is the right thing. It would result in an unprecedented grant of constitutional protection to those suspected of being terrorists.

This further indicates to me that our Congress is not in full comprehension of the seriousness of the war we are engaged in and the determination of those who are determined to kill us. It shows this body is, frankly, often unable to execute a military operation. We cannot get 535 people to execute a military operation and decide who ought to be detained and who ought not to.

The military could go out and conduct a raid, and a firefight could break out, and eight people be killed and eight people captured. Thirty seconds before, they could have killed all 16. Now, if we detain them, we have to bring soldiers from the war field, present evidence of some kind, gather evidence to try to justify the detention. We all know quite a large number of those who have been released from Guantanamo have reappeared and been captured again on the battlefield trying to kill us. That is a fact. We are not making that up.

I wish these people in Guantanamo were the kind of people who would not go back to the battle. I wish they were all wrongly held so we could let them go home. But what if their determination is to continue to attack American soldiers, and it is your son out there, your daughter out there on the battlefield, and somebody says in the U.S. Congress, ''We don't think you have enough evidence to hold them''? What do we know about what happened?

We have given that power to the executive branch to conduct the war. That is who is supposed to be making those decisions. That is who is required to preserve and protect the security of the American people. I do not think that makes sense. It is not a little matter. It will set a precedent for future times. We are eroding the ability of the leadership of this country to execute and carry out a military operation, which by its very nature involves death and destruction of an enemy.

So I have to say to my colleagues, we need to think this issue through. This may be a political deal now that we can use to beat up President Bush, but let me say to my colleagues, you had your victory in the last election, if not in 2004. We will have a new President soon. We need to get away from this personal and political perspective. We need to be thinking about the long-term history of the United States. We need to be thinking about other wars we may be involved in in the future. We need to be asking ourselves: Are we creating a circumstance in which a devious, skillful, malicious enemy can utilize our very laws to destroy us, place at risk our own soldiers, place at risk American citizens, place at risk our people serving in military bases around the world?

Let's be careful about that. We have provided them, by statute last year, a procedure to contest their detention. Large numbers of those who have been detained have already been released, and quite a number of those have been recaptured on the battlefield attempting to destroy America and what we stand for, attacking our own sons and daughters.

I urge my colleagues to be careful. To say we need to restore the right of habeas corpus is not correct. We have never provided habeas corpus to enemies of the United States, for heaven's sake. I share again the overall concept that we are in a difficult new world. The Constitution provides for reasonable searches and seizures and such things as that.

Our country is threatened, and our people's liberties are threatened. Liberty is important. Freedom is important. We in Congress do not need to be curtailing significantly liberty in America. We certainly do not need to be eroding constitutional protections that are provided to American citizens. We are not doing that. The Supreme Court has never held the Constitution provides protection in this fashion to enemy combatants. So we are not eroding the Constitution.

What we have come up with is a realistic process that will, in the end, provide more liberty, more freedom to American citizens than if we were subjected to a system by which we are releasing terrorists again and again who are out to kill and destroy us. That is all I would say on the fundamental question of liberty and freedom and law.

Let's get our thinking straight. Let's look at this issue carefully. Let's be sure we know that no country has ever provided such protections to enemy combatants. The fact that 50 out of 400,000 German prisoners who were tried after the war in Nuremberg had certain legal provisions and rights provided them in no way whatsoever should be construed to say we provided habeas rights to other prisoners during the course of a war. They were not provided to the 400,000 German prisoners held in the United States, that is for sure.

Mr. President, I thank the Chair and yield the floor.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, I understand some effort is being made to pursue the amendment offered by Senator SPECTER, which is very troubling to me because if it were to pass, it would reverse the Military Commissions Act of 2006 that we passed last September on final passage, 65 to 34. Passage of this amendment would result in a veto of the Defense authorization bill by the President of the United States.

The first amendment we have up that is being pushed to a vote against the pleas of people on this side would result in a veto of the Defense authorization bill. The second amendment may well raise the same issue, I understand. Not only that, we have very controversial amendments that are being made filed to this bill and that have been offered for a vote on this bill which are very controversial and are not related to the defense of America—for example, the hate crimes amendment. People have differing views on that. They have offered an amendment on hate crimes on this bill. There is also the amendment on the DREAM Act, which is an immigration amendment that would provide citizenship to people who come here in our education system at a certain age, and even though they are illegally in the country, they would be provided in-state tuition and student loans subsidized by the Federal Government. That is a very controversial matter too. So that is all going to be put on this piece of legislation, apparently.

It raises questions in my mind whether there is any serious desire on the part of the Democratic leadership to see the Defense authorization bill passed. The bill came out of the Armed Services Committee, of which I am a member, and it didn't have the reversal of the Military Commissions Act of 2006 and the grant of habeas corpus to illegal enemy combatants, noncitizens on foreign soil. It didn't have that or hate crimes or the DREAM Act.

I just say to my colleagues that we need to do the right thing for our soldiers, sailors, airmen, marines, and guardsmen who are serving our Nation now. They are in the field this very moment. They are out walking the streets somewhere in Iraq—160,000 of them—executing this very complex and very important and, so far, effective counterinsurgency strategy that was devised by General Petraeus. They are living with Iraqi soldiers and Iraqi police and doing the things they were asked to do. This bill has a pay raise for them and wounded warrior language that provides additional care for those who are wounded while serving our country. We owe them every single benefit we have to give them. We have military construction to make sure we are able to carry through on the BRAC process. It has acquisition reform. We need to do a better job with the money we spend in acquiring new weapons systems and aircraft and ships and all the things that go with it.

I just say to my colleagues, let's remember now that everything is not required to be placed on this bill. If we pass this amendment to provide habeas corpus protection to illegal enemy combatants, not citizens, not on American soil, not required by the Constitution of the United States, according to decided case authority of Federal courts, that is going to result in a Presidential veto even if it passes. Hopefully, we won't pass that. Why do we want to do that? We need to be spending our time thinking about how we can help those whom we have sent into harm's way to execute a policy that has been decided upon by the Congress of the United States. That is what we need to be doing—not creating more and more lawsuits, not engaging in more and more political flapdoodle and emotional arguments about restoring habeas corpus, when we have never provided habeas to prisoners of war in the history of the Republic, nor has any other advanced nation provided those kinds of rights.

I urge my colleagues to push back from this brink. Let's don't take action that could result in the failure of a defense authorization bill. It would be the first time we have failed to pass a defense authorization bill since 1961, 46 years ago. Let's don't break that record while we have soldiers in harm's way serving our national interests, attempting to execute the policies and assignments we have given to them. Let's don't do that. Let's don't pass a bill that is going to come back like a ball off of the wall because it will be vetoed by the President. What good is that? Why are we obsessed with this? It wasn't passed in the Armed Services Committee, and it doesn't need to be pushed now.

I urge my colleagues to become fully aware of the dangerous territory which we are entering. We are entering a circumstance in which, if we continue to pursue issues unrelated to the core responsibilities of the Congress to deal with the war we are confronting, we will have failed in our responsibilities and actually fail to pass this important legislation.

In addition, we need to finish up with the Defense bill and go on to the Defense appropriations bill. The fiscal year ends September 30. We need to pass the Defense authorization bill so that we can get to the Defense appropriations bill by next week. That needs to move. We do not need to still be arguing over the DREAM Act, arguing over hate crimes, arguing over providing habeas corpus rights to illegal enemy combatants held somewhere around the world by the American military, a privilege that has never been provided by any nation to people it captures on the battlefield. That is not the right way for us to go. This Congress, if it is a responsible Congress, should move forward this week on the authorization bill and do the appropriations bill next week.

What are the core issues? We have some core issues we ought to debate about the defense of America and our military. Let's stay on those issues, not on extraneous issues.

There is no doubt that we have heard the report of GEN Jimmy Jones's commission, the Government Accountability Office report the week before last, and then last week we heard from General Petraeus and Ambassador Crocker. We need to have time to discuss seriously—and this side has certainly agreed to that and it is contemplated that we will have a generous time to discuss our commitment in Iraq, what it is, what our goals are, how we can achieve those goals, what the troop levels should be, how they are going to be drawn down, are they being drawn down fast enough, and what other issues are relevant. Those are legitimate issues on which we should spend time.

I am very concerned these other issues will be distracting us from those issues, that we will be utilizing time that ought to be on the core issues of

defense of this country, and I hope those leaders, particularly our Democratic leadership, are not going to put us in a position where we will not meet our responsibilities.

For the past 46 years, we have passed a Defense authorization bill. At the rate we are headed, even if we pass it, it is going to be vetoed because of amendments wholly unrelated to the Defense of this country. We need to pass a Defense appropriations bill, and we need to get on that quickly because the fiscal year is ending. For my colleagues' information, we are going to have to do something to continue to fund defense because if we do not pass a Defense authorization bill, the fact is that no money can be spent in the whole Department of Defense unless we are being attacked. It is very troubling, and it could have tremendous disruptive impacts throughout the entirety of our defense establishment.

Under the Antideficiency Act, if Congress does not appropriate money, the executive branch cannot spend it. It cannot spend what has not been appropriated. That is the Constitution, and that is what the Antideficiency Act says. The budget and last year's appropriations end September 30. We need to pass a new bill so we can go forward into next year.

We have a pretty good bill that came out of committee. There will be some disagreement here, there, and on a few other matters. We will bring those up, and good people will disagree. I certainly understand that point. We need to be working on those issues, not being distracted on matters unrelated to the core of defending America in this time of terrorism.

I share those thoughts and hopefully our colleagues in the leadership can continue to work and some way we can avoid the end toward which it appears we are heading.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I heard one of my friends on the other side of the aisle come here this afternoon and talk about why we aren't getting more things done here; why are we doing the Defense authorization bill now; when are we going to do the Defense appropriations bill. Maybe they should have thought of that before they did 45 different filibusters here in the Senate. The Republican minority has stopped the work of this country. We have fought back with the very slim majority we have.

I will remind everyone within the sound of my voice that Senator JOHNSON has been ill. He is back now, thank goodness. He is back. He overcame a tremendous illness, and he is back with us. My majority was 50 to 49—that is, the Democratic majority—and we have had to fight, that little majority has had to fight everything that we have done. Everything. We had to file cloture on things they agreed with us on, just eating up valuable time here in the Senate. I am going to have to file cloture again tonight on another matter. This will be the third time we have worked on the Defense authorization bill. I am not going to belabor the point except to say this is the wrong thing to be talking about here: Why aren't we moving more quickly?

In spite of all the obstacles—procedural in nature—they have thrown up against us, we have done some remarkable things.

We passed an increase in the minimum wage for the first time in 10 years.

The President was forced to sign, even though he didn't like it—and he said so—the most sweeping ethics and lobbying reform in the history of this country.

We passed the 9/11 Commission recommendations that the President held up for years. And those he tried to implement, he got D's and F's on, but they are now law. We have done that.

Disaster relief for farmers and ranchers—we have done that for them. They waited years to get that done. Our slim majority was able to get that done.

We forced upon the President money to fight the wildfires which swept the West, fires caused by global warming.

A budget. We passed a balanced budget. Our majority was 50 to 49, and we passed a budget. The Republicans, with the huge majority they had, couldn't get a budget done. We got one done.

So, Mr. President, we have done some really good things here in spite of all these obstacles. I haven't mentioned all of them but just given an idea of what we have done working really hard. So I repeat: Don't come to the floor and lecture us on not getting things done here.

Mr. President, I call for regular order with respect to the Specter-Leahy amendment.

The PRESIDING OFFICER. The amendment is now pending.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on amendment No. 2022, regarding restoration of habeas corpus, top H.R. 1585, the Department of Defense Authorization bill.

Harry Reid, Dick Durbin, Carl Levin, Christopher Dodd, Jeff Bingaman, Barack Obama, Robert C. Byrd, Ken Salazar, Debbie Stabenow, Dianne Feinstein, Patrick Leahy, Sheldon Whitehouse, Daniel K. Akaka, Russell D. Feingold, Amy Klobuchar, Bill Nelson.

Mr. REID. Mr. President, I would also add to the remarks I just made.

In addition to what I outlined earlier, look at what we have done on Iraq. We forced the President to debate this issue, to talk to us about this issue. The Republicans had to debate us. This war went on for years, and there wasn't even a congressional oversight hearing held. We have held hearings, and they have been opened up to this country. We helped uncover the scandal of Walter Reed, just to mention a few of the things we have done on Iraq, plus forcing on the President money to get body armor for the troops so the parents no longer had to buy them and up-armoring of vehicles we have forced upon the President.

MORNING BUSINESS

Mr. REID. I ask unanimous consent there now be a period for morning business, with Senators allowed to speak for a period not to exceed 10 minutes each.

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

NEW ATTORNEY GENERAL NOMINATION

Mr. LEAHY. Mr. President, earlier today, the President announced his intention that he will, at some appropriate time, send the nomination of Judge Michael Mukasey to the Hill to be the next Attorney General. When that nomination arrives, with the appropriate FBI clearance and all, the Judiciary Committee will approach consideration of this nomination in a serious and deliberate fashion.

The administration, of course, took many months in determining that a change in leadership was needed at the Department of Justice. Then after they made the determination they had to change the leadership, the President spent several weeks before making his nomination public. It wasn't until Saturday of this past weekend that I was told by the press whom he was going to nominate. Our focus now, of course, will be on securing the relevant information the committee needs to proceed to scheduling fair and thorough hearings, and we will do that.

I am not in any way critical of the President for taking so many weeks in deciding whom he wanted. In fact, I would compliment him on his decision not to go with some of the names that apparently were presented to him. I tried to stress to the President and others at the White House, with all the problems at the Department of Justice, that choosing a person who would be there solely for political purposes would not be a wise thing to do. I know the President had a number of names that would have fallen into that category, and to his credit, those names that would have created the greatest political problems were rejected.