

SA 2873. Mrs. FEINSTEIN (for herself, Mr. SPECTER, and Mr. FEINGOLD) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2874. Mr. LUGAR (for himself and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2875. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2876. Mr. KERRY (for himself, Mr. DOMENICI, Mr. TESTER, Mr. HAGEL, and Mr. OBAMA) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2877. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2878. Mr. HATCH (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2879. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2880. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2881. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2882. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2883. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2884. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2885. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2886. Mrs. FEINSTEIN (for herself and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 2864.** Mr. NELSON of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the 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 personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 96, line 6, insert after "commissioned service" the following: "or on the fifth anniversary of the date of the officer's appointment in the grade of lieutenant general or vice admiral, whichever is later".

**SA 2865.** Mr. NELSON of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

#### **SEC. 703. AUTHORITY FOR EXPANSION OF PERSONS ELIGIBLE FOR CONTINUED HEALTH BENEFITS COVERAGE.**

(a) **AUTHORITY TO SPECIFY ADDITIONAL ELIGIBLE PERSONS.**—Subsection (b) of section 1078a of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) Any other person specified in regulations prescribed by the Secretary of Defense for purposes of this paragraph who loses entitlement to health care services under this chapter or section 1145 of this title, subject to such terms and conditions as the Secretary shall prescribe in the regulations."

(b) **ELECTION OF COVERAGE.**—Subsection (d) of such section is amended by adding at the end the following new paragraph:

"(4) In the case of a person described in subsection (b)(4), by such date as the Secretary shall prescribe in the regulations required for purposes of that subsection."

(c) **PERIOD OF COVERAGE.**—Subsection (g)(1) of such section is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and

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

"(D) in the case of a person described in subsection (b)(4), the date that is 36 months after the date on which the person loses entitlement to health care services as described in that subsection."

**SA 2866.** Mr. NELSON of Nebraska (for himself, Mr. GRAHAM, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

#### **SEC. 594. DEMONSTRATION PROJECTS ON THE PROVISION OF SERVICES TO MILITARY DEPENDENT CHILDREN WITH AUTISM.**

(a) **DEMONSTRATION PROJECTS AUTHORIZED.**—

(1) **IN GENERAL.**—The Secretary of Defense may conduct one or more demonstration projects to evaluate improved approaches to the provision of education and treatment services to military dependent children with autism.

(2) **PURPOSE.**—The purpose of any demonstration project carried out under this section shall be to evaluate strategies for integrated treatment and case manager services that include early intervention and diagnosis, medical care, parent involvement, special education services, intensive behavioral

intervention, and language, communications, and other interventions considered appropriate by the Secretary.

(b) **REVIEW OF BEST PRACTICES.**—In carrying out demonstration projects under this section, the Secretary of Defense shall, in coordination with the Secretary of Education, conduct a review of best practices in the United States in the provision of education and treatment services for children with autism, including an assessment of Federal and State education and treatment services for children with autism in each State, with an emphasis on locations where members of the Armed Forces who qualify for enrollment in the Exceptional Family Member Program of the Department of Defense are assigned.

(c) **ELEMENTS.**—

(1) **ENROLLMENT IN EXCEPTIONAL FAMILY MEMBER PROGRAM.**—Military dependent children may participate in a demonstration project under this section only if their military sponsor is enrolled in the Exceptional Family Member Program of the Department of Defense.

(2) **CASE MANAGERS.**—Each demonstration project shall include the assignment of both medical and special education services case managers which shall be required under the Exceptional Family Member Program pursuant to the policy established by the Secretary of Defense.

(3) **INDIVIDUALIZED SERVICES PLAN.**—Each demonstration project shall provide for the voluntary development for military dependent children with autism participating in such demonstration project of individualized autism services plans for use by Department of Defense medical and special education services case managers, caregivers, and families to ensure continuity of services throughout the active military service of their military sponsor.

(4) **SUPERVISORY LEVEL PROVIDERS.**—The Secretary of Defense may utilize for purposes of the demonstration projects personnel who are professionals with a level (as determined by the Secretary) of post-secondary education that is appropriate for the provision of safe and effective services for autism and who are from an accredited educational facility in the mental health, human development, social work, or education field to act as supervisory level providers of behavioral intervention services for autism. In so acting, such personnel may be authorized—

(A) to develop and monitor intensive behavior intervention plans for military dependent children with autism who are participating in the demonstration projects; and

(B) to provide appropriate training in the provision of approved services to such children.

(5) **SERVICES UNDER CORPORATE SERVICES PROVIDER MODEL.**—(A) In carrying out the demonstration projects, the Secretary may utilize a corporate services provider model.

(B) Employees of a provider under a model referred to in subparagraph (A) shall include personnel who implement special educational and behavioral intervention plans for military dependent children with autism that are developed, reviewed, and maintained by supervisory level providers approved by the Secretary.

(C) In authorizing such a model, the Secretary shall establish—

(i) minimum education, training, and experience criteria required to be met by employees who provide services to military dependent children with autism;

(ii) requirements for supervisory personnel and supervision, including requirements for supervisor credentials and for the frequency and intensity of supervision; and

(iii) such other requirements as the Secretary considers appropriate to ensure safety

and the protection of the children who receive services from such employees under the demonstration projects.

(6) **CONSTRUCTION WITH OTHER SERVICES.**—Services provided to military dependent children with autism under the demonstration projects under this section shall be in addition to any other publicly-funded special education services available in a location in which their military sponsor resides.

(d) **PERIOD.**—

(1) **COMMENCEMENT.**—If the Secretary determines to conduct demonstration projects under this section, the Secretary shall commence any such demonstration projects not later than 180 days after the date of the enactment of this Act.

(2) **MINIMUM PERIOD.**—Any demonstration projects conducted under this section shall be conducted for not less than two years.

(e) **EVALUATION.**—

(1) **IN GENERAL.**—The Secretary shall conduct an evaluation of each demonstration project conducted under this section.

(2) **ELEMENTS.**—The evaluation of a demonstration project under this subsection shall include the following:

(A) An assessment of the extent to which the activities under the demonstration project contributed to positive outcomes for military dependent children with autism and their families.

(B) An assessment of the extent to which the activities under the demonstration project led to improvements in services and continuity of care for children with autism.

(C) An assessment of the extent to which the activities under the demonstration project improved military family readiness and enhanced military retention.

(f) **REPORTS.**—Not later than 30 months after the commencement of any demonstration project authorized by this section, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on such demonstration project. The report on a demonstration project shall include a description of such project, the results of the evaluation under subsection (e) with respect to such project, and a description of plans for the further provision of services for military dependent children with autism under such project.

**SA 2867.** Mr. NELSON of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

**SEC. 1107. REPEAL OF AUTHORITY FOR PAYMENT OF UNIFORM ALLOWANCE TO CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.**

(a) **REPEAL.**—Section 1593 of title 10, United States Code, is repealed.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 81 of such title is amended by striking the item relating to section 1593.

**SA 2868.** Mr. NELSON of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

**SEC. 703. CONTINUATION OF ELIGIBILITY FOR TRICARE STANDARD COVERAGE FOR CERTAIN MEMBERS OF THE SELECTED RESERVE.**

(a) **IN GENERAL.**—Section 706(f) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2282; 10 U.S.C. 1076d note) is amended—

(1) by striking “Enrollments” and inserting “(1) Except as provided in paragraph (2), enrollments”; and

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

“(2) The enrollment of a member in TRICARE Standard that is in effect on the day before health care under TRICARE Standard is provided pursuant to the effective date in subsection (g) shall not be terminated by operation of the exclusion of eligibility under subsection (a)(2) of such section 1076d, as so amended, for the duration of the eligibility of the member under TRICARE Standard as in effect on October 16, 2006.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on October 1, 2007.

**SA 2869.** Mr. NELSON of Nebraska (for himself, Mr. GRAHAM, and Mr. WARNER) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

**SEC. 1107. AUTHORIZATION FOR INCREASED COMPENSATION FOR FACULTY AND STAFF OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.**

Section 2113(f) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “so as” and inserting “after consideration of the compensation necessary”; and

(B) by striking “within the vicinity of the District of Columbia” and inserting “identified by the Secretary for purposes of this paragraph”; and

(2) in paragraph (4)—

(A) by striking “section 5373” and inserting “sections 5307 and 5373”; and

(B) by adding at the end the following new sentence: “In no case may the total amount of compensation paid under paragraph (1) in any year exceed the total amount of annual compensation (excluding expenses) specified in section 102 of title 3.”.

**SA 2870.** Mrs. BOXER submitted an amendment intended to be proposed by her to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1044. ANNUAL REPORT ON CASES REVIEWED BY NATIONAL COMMITTEE FOR EMPLOYER SUPPORT OF THE GUARD AND RESERVE.**

Section 4332 of title 38, United States Code, is amended—

(1) by redesignating paragraphs (2), (3), (4), (5), and (6) as paragraphs (3), (4), (5), (6), and (7) respectively;

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

“(2) The number of cases reviewed by the Secretary of Defense under the National Committee for Employer Support of the Guard and Reserve of the Department of Defense during the fiscal year for which the report is made.”; and

(3) in paragraph (5), as so redesignated, by striking “(2), or (3)” and inserting “(2), (3), or (4)”.

**SA 2871.** Mr. AKAKA submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . FLEXIBILITY IN PAYING ANNUITIES TO CERTAIN FEDERAL RETIREES WHO RETURN TO WORK.**

(a) **IN GENERAL.**—Section 9902(j) of title 5, United States Code, is amended to read as follows:

“(j) **PROVISIONS RELATING TO REEMPLOYMENT.**—

“(1) Except as provided under paragraph (2), if an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes employed in a position within the Department of Defense, his annuity shall continue. An annuitant so reemployed shall not be considered an employee for purposes of chapter 83 or 84.

“(2)(A) An annuitant receiving an annuity from the Civil Service Retirement and Disability Fund who becomes employed in a position within the Department of Defense following retirement under section 8336(d)(1) or 8414(b)(1)(A) shall be subject to section 8344 or 8468.

“(B) The Secretary of Defense may, under procedures and criteria prescribed under subparagraph (C), waive the application of the provisions of section 8344 or 8468 on a case-by-case or group basis, for employment of an annuitant referred to in subparagraph (A) in a position in the Department of Defense.

“(C) The Secretary shall prescribe procedures for the exercise of any authority under this paragraph, including criteria for any exercise of authority and procedures for a delegation of authority.

“(D) An employee as to whom a waiver under this paragraph is in effect shall not be considered an employee for purposes of subchapter III of chapter 83 or chapter 84.

“(3)(A) An annuitant retired under section 8336(d)(1) or 8414(b)(1)(A) receiving an annuity from the Civil Service Retirement and Disability Fund, who is employed in a position within the Department of Defense after the date of enactment of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136), may elect to begin coverage under paragraph (2) of this subsection.

“(B) An election for coverage under this paragraph shall be filed not later than the

later of 90 days after the date the Department of Defense—

“(i) prescribes regulations to carry out this subsection; or

“(ii) takes reasonable actions to notify employees who may file an election.

“(C) If an employee files an election under this paragraph, coverage shall be effective beginning on the date of the filing of the election.

“(D) Paragraph (1) shall apply to an individual who is eligible to file an election under subparagraph (A) of this paragraph and does not file a timely election under subparagraph (B) of this paragraph.”.

(b) REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Secretary of Defense shall prescribe regulations to carry out the amendment made by this section.

**SA 2872.** Mr. KENNEDY (for himself, Mr. SMITH, Mr. LIEBERMAN, Mr. BROWNBACK, Mr. BIDEN, Mr. HAGEL, Mr. LEAHY, Ms. SNOWE, Mr. DURBIN, Mrs. FEINSTEIN, Mr. OBAMA, Mr. MENENDEZ, Mr. LEVIN, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end title VI, insert the following:

**Subtitle D—Iraq Refugee Crisis**

**SEC. 1541. SHORT TITLE.**

This subtitle may be cited as the “Refugee Crisis in Iraq Act”.

**SEC. 1542. PROCESSING MECHANISMS.**

(a) IN GENERAL.—The Secretary of State shall establish processing mechanisms in Iraq and in countries in the region in which—

(1) aliens described in section 1543 may apply and interview for admission to the United States as refugees; and

(2) aliens described in section 1544(b) may apply and interview for admission to the United States as special immigrants.

(b) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Homeland Security, shall submit a report that contains the plans and assessment described in paragraph (2) to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on the Judiciary of the House of Representatives; and

(D) the Committee on Foreign Affairs of the House of Representatives.

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) describe the Secretary's plans to establish the processing mechanisms described in subsection (a); and

(B) contain an assessment of in-country processing that makes use of videoconferencing.

**SEC. 1543. UNITED STATES REFUGEE PROGRAM PRIORITIES.**

(a) IN GENERAL.—Priority 2 refugees of special humanitarian concern under the refugee resettlement priority system shall include—

(1) Iraqis who were employed by, or worked for or directly with the United States Government, in Iraq;

(2) Iraqis who were employed in Iraq by—

(A) a media or nongovernmental organization headquartered in the United States; or

(B) an organization or entity that has received United States Government funding through an official and documented contract, award, grant, or cooperative agreement;

(3) spouses, children, sons, daughters, siblings, and parents of aliens described in paragraph (1) or section 1544(b)(1); and

(4) Iraqis who are members of a religious or minority community, have been identified by the Department of State as a persecuted group, and have close family members (as described in section 201(b)(2)(A)(i) or 203(a) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i) and 1153(a))) in the United States.

(b) IDENTIFICATION OF OTHER PERSECUTED GROUPS.—The Secretary of State is authorized to identify other Priority 2 groups in Iraq.

(c) INELIGIBLE ORGANIZATIONS AND ENTITIES.—Organizations and entities described in section 1543 shall not include any that appear on the Department of the Treasury's list of Specially Designated Nationals.

(d) SECURITY.—An alien is not eligible to participate in the program authorized under this section if the alien is otherwise inadmissible to the United States under section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)).

**SEC. 1544. SPECIAL IMMIGRANT STATUS FOR CERTAIN IRAQIS.**

(a) IN GENERAL.—Subject to subsection (c)(1) and notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary of Homeland Security may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)), if the alien—

(1) or an agent acting on behalf of the alien, submits to the Secretary a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4));

(2) is otherwise eligible to receive an immigrant visa; and

(3) is otherwise admissible to the United States for permanent residence (excluding the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4))).

(b) ALIENS DESCRIBED.—

(1) PRINCIPAL ALIENS.—An alien is described in this subsection if the alien—

(A) is a national of Iraq;

(B) was employed by, or worked for or directly with the United States Government in Iraq, in or after 2003, for an aggregate period of not less than 1 year; and

(C) provided faithful service to the United States Government, which is documented in a positive recommendation or evaluation.

(2) SPOUSES AND CHILDREN.—An alien is described in this subsection if the alien is—

(A) the spouse or child of a principal alien described in paragraph (1); and

(B) is following or accompanying to join the principal alien in the United States.

(c) NUMERICAL LIMITATIONS AND BENEFITS.—

(1) IN GENERAL.—The total number of principal aliens who may be provided special immigrant status under this section may not exceed 5,000 per year for each of the 5 fiscal years beginning after the date of the enactment of this Act.

(2) EXCLUSION FROM NUMERICAL LIMITATIONS.—Aliens provided special immigrant status under this section shall not be counted against any numerical limitation under sections 201(d), 202(a), or 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

(3) BENEFITS.—Aliens provided special immigrant status under this section shall be eligible for the same resettlement assistance, entitlement programs, and other benefits as refugees admitted under section 207 of the Immigration and Naturalization Act (8 U.S.C. 1157).

(4) CARRY FORWARD.—If the numerical limitation under paragraph (1) is not reached during a given fiscal year, the numerical limitation under paragraph (1) for the following fiscal year shall be increased by a number equal to the difference between—

(A) the number of visas authorized under paragraph (1) for the given fiscal year; and

(B) the number of principal aliens provided special immigrant status under this section during the given fiscal year.

(d) VISA AND PASSPORT ISSUANCE AND FEES.—Neither the Secretary of State nor the Secretary of Homeland Security may charge an alien described in subsection (b) any fee in connection with an application for, or issuance of, a special immigrant visa. The Secretary of State shall ensure that aliens described in this section who are issued special immigrant visas are provided with the appropriate series Iraqi passport necessary to enter the United States.

(e) PROTECTION OF ALIENS.—The Secretary of State, in consultation with other relevant Federal agencies, shall provide an alien described in this section who is applying for a special immigrant visa with protection or the immediate removal from Iraq of such alien if the Secretary determines that such alien is in imminent danger.

(f) SECURITY.—An alien is not eligible to participate in the program authorized under this section if the alien is otherwise inadmissible to the United States under section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)).

(g) DEFINITIONS.—The terms defined in subsections (a) and (b) of section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) have the same meanings when used in this section.

(h) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall promulgate regulations to carry out the provisions of this section, including requirements for background checks.

(i) SAVINGS PROVISION.—Nothing in this section may be construed to affect the authority of the Secretary of Homeland Security under section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163).

**SEC. 1545. MINISTER COUNSELORS FOR IRAQI REFUGEES AND INTERNALLY DISPLACED PERSONS.**

(a) IN GENERAL.—The Secretary of State shall establish in the embassy of the United States located in Baghdad, Iraq, a Minister Counselor for Iraqi Refugees and Internally Displaced Persons (referred to in this section as the “Minister Counselor for Iraq”).

(b) DUTIES.—The Minister Counselor for Iraq shall be responsible for the oversight of processing for resettlement of persons considered Priority 2 refugees of special humanitarian concern, special immigrant visa programs in Iraq, and the development and implementation of other appropriate policies and programs concerning Iraqi refugees and internally displaced persons. The Minister Counselor for Iraq shall have the authority to refer persons to the United States refugee resettlement program.

(c) DESIGNATION OF MINISTER COUNSELORS.—The Secretary of State shall designate in the embassies of the United States located in Cairo, Egypt; Amman, Jordan; Damascus, Syria; and Beirut, Lebanon a Minister Counselor to oversee resettlement to

the United States of persons considered Priority 2 refugees of special humanitarian concern in those countries to ensure their applications to the United States refugee resettlement program are processed in an orderly manner and without delay.

**SEC. 1546. COUNTRIES WITH SIGNIFICANT POPULATIONS OF DISPLACED IRAQIS.**

(a) IN GENERAL.—With respect to each country with a significant population of displaced Iraqis, including Iraq, Jordan, Egypt, Syria, Turkey, and Lebanon, the Secretary of State shall—

(1) as appropriate, consult with other countries regarding resettlement of the most vulnerable members of such refugee populations; and

(2) as appropriate, except where otherwise prohibited by the laws of the United States, develop mechanisms in and provide assistance to countries with a significant population of displaced Iraqis to ensure the well-being and safety of such populations in their host environments.

(b) NUMERICAL LIMITATIONS.—In determining the number of Iraqi refugees who should be resettled in the United States under sections (a) and (b) of section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), the President shall consult nongovernmental organizations that have a presence in Iraq or experience in assessing the problems faced by Iraqi refugees.

(c) ELIGIBILITY FOR ADMISSION AS REFUGEE.—Section 207(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(1)) is amended by adding at the end the following: “No alien shall be denied the opportunity to apply for admission under this section solely because such alien qualifies as an immediate relative or is eligible for classification as a special immigrant.”

**SEC. 1547. DENIAL OR TERMINATION OF ASYLUM.**

Section 208(b) of the Immigration and Nationality Act (8 U.S.C. 1158) is amended by adding at the end the following:

“(4) CHANGED COUNTRY CONDITIONS.—An applicant for asylum or withholding of removal, whose claim was denied by an immigration judge solely on the basis of changed country conditions on or after March 1, 2003, may file a motion to reopen to reconsider his or her claim not later than 6 months after the date of the enactment of the Refugee Crisis in Iraq Act if the applicant—

“(A) is a national of Iraq; and

“(B) remained in the United States on such date of enactment.”

**SEC. 1548. REPORTS.**

(a) SECRETARY OF HOMELAND SECURITY.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report containing plans to expedite the processing of Iraqi refugees for resettlement to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on the Judiciary of the House of Representatives; and

(D) the Committee on Foreign Affairs of the House of Representatives.

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) detail the plans of the Secretary for expediting the processing of Iraqi refugees for resettlement including through temporary expansion of the Refugee Corps of United States Citizenship and Immigration Services; and

(B) describe the plans of the Secretary for enhancing existing systems for conducting background and security checks of persons applying for Special Immigrant Visas and of persons considered Priority 2 refugees of spe-

cial humanitarian concern under this subtitle, which enhancements shall support immigration security and provide for the orderly processing of such applications without delay.

(b) PRESIDENT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to Congress an unclassified report, with a classified annex if necessary, which includes—

(1) an assessment of the financial, security, and personnel considerations and resources necessary to carry out the provisions of this subtitle;

(2) the number of aliens described in section 1543(1);

(3) the number of such aliens who have applied for special immigrant visas;

(4) the date of such applications; and

(5) in the case of applications pending for more than 6 months, the reasons that visas have not been expeditiously processed.

(c) REPORT ON IRAQI NATIONALS EMPLOYED BY THE UNITED STATES GOVERNMENT AND FEDERAL CONTRACTORS IN IRAQ.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of the Treasury, and the Secretary of Homeland Security shall—

(A) review internal records and databases of their respective agencies for information that can be used to verify employment of Iraqi nationals by the United States Government; and

(B) solicit from each prime contractor or grantee that has performed work in Iraq since March 2003 under a contract, grant, or cooperative agreement with their respective agencies that is valued in excess of \$25,000 information that can be used to verify the employment of Iraqi nationals by such contractor or grantee.

(2) INFORMATION REQUIRED.—To the extent data is available, the information referred to in paragraph (1) shall include the name and dates of employment of, biometric data for, and other data that can be used to verify the employment of, each Iraqi national that has performed work in Iraq since March 2003 under a contract, grant, or cooperative agreement with an executive agency.

(3) EXECUTIVE AGENCY DEFINED.—In this subsection, the term “executive agency” has the meaning given the term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(d) REPORT ON ESTABLISHMENT OF DATABASE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of the Treasury, and the Secretary of Homeland Security, shall submit to Congress a report examining the options for establishing a unified, classified database of information related to contracts, grants, or cooperative agreements entered into by executive agencies for the performance of work in Iraq since March 2003, including the information described and collected under subsection (c), to be used by relevant Federal departments and agencies to adjudicate refugee, asylum, special immigrant visa, and other immigration claims and applications.

(e) NONCOMPLIANCE REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit a report to Congress that describes—

(1) the inability or unwillingness of any contractors or grantees to provide the information requested under subsection (c); and

(2) the reasons for failing to provide such information.

**SEC. 1549. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

**SA 2873.** Mrs. FEINSTEIN (for herself, Mr. SPECTER, and Mr. FEINGOLD) submitted an amendment intended to be proposed by her to the 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; which was ordered to lie on the table; as follows:

After section 1058, insert the following:

**SEC. 1059. CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.**

(a) SHORT TITLE.—This section may be cited as the “Equal Justice for United States Military Personnel Act of 2007”.

(b) IN GENERAL.—Section 1259 of title 28, United States Code, is amended—

(1) in paragraph (3), by inserting “or denied” after “granted”; and

(2) in paragraph (4), by inserting “or denied” after “granted”.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 867a(a) of title 10, United States Code, is amended by striking “The Supreme Court may not review by a writ of certiorari under this section any action of the Court of Appeals for the Armed Forces in refusing to grant a petition for review.”

**SA 2874.** Mr. LUGAR (for himself and Mr. BIDEN) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

**Subtitle D—Reconstruction and Stabilization Civilian Management**

**SEC. 1241. SHORT TITLE.**

This subtitle may be cited as the “Reconstruction and Stabilization Civilian Management Act of 2007”.

**SEC. 1242. FINDING; PURPOSE.**

(a) FINDING.—Congress finds that the resources of the United States Armed Forces have been burdened by having to undertake stabilization and reconstruction tasks in the Balkans, Afghanistan, Iraq, and other countries of the world that could have been performed by civilians, which has resulted in lengthy deployments for Armed Forces personnel.

(b) PURPOSE.—The purpose of this subtitle is to provide for the continued development, as a core mission of the Department of State and the United States Agency for International Development, of an effective expert civilian response capability to carry out reconstruction and stabilization activities in a country or region that is at risk of, in, or is in transition from, conflict or civil strife.

**SEC. 1243. DEFINITIONS.**

In this subtitle:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the United States Agency for International Development.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

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

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

(3) DEPARTMENT.—Except as otherwise provided in this subtitle, the term “Department” means the Department of State.

(4) EXECUTIVE AGENCY.—The term “executive agency” has the meaning given that term in section 105 of title 5, United States Code.

(5) SECRETARY.—The term “Secretary” means the Secretary of State.

#### SEC. 1244. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the civilian element of United States joint civilian-military operations should be strengthened in order to enhance the execution of current and future reconstruction and stabilization activities in foreign countries or regions that are at risk of, in, or are in transition from, conflict or civil strife;

(2) the capability of civilian agencies of the United States Government to carry out reconstruction and stabilization activities in such countries or regions should also be enhanced through a new rapid response corps of civilian experts supported by the establishment of a new system of planning, organization, personnel policies, and education and training, and the provision of adequate resources;

(3) the international community, including nongovernmental organizations, and the United Nations and its specialized agencies, should be further encouraged to participate in planning and organizing reconstruction and stabilization activities in such countries or regions;

(4) the executive branch has taken a number of steps to strengthen civilian capability, including the establishment of an office headed by a Coordinator for Reconstruction and Stabilization in the Department, the Presidential designation of the Secretary as the interagency coordinator and leader of reconstruction and stabilization efforts, and Department of Defense directives to the military to support the Office of Reconstruction and Stabilization and to work closely with counterparts in the Department of State and other civilian agencies to develop and enhance personnel, training, planning, and analysis;

(5) the Secretary and the Administrator should work with the Secretary of Defense to augment existing personnel exchange programs among the Department, the United States Agency for International Development, and the Department of Defense, including the regional commands and the Joint Staff, to enhance the stabilization and reconstruction skills of military and civilian personnel and their ability to undertake joint operations; and

(6) the heads of other executive agencies should establish personnel exchange programs that are designed to enhance the stabilization and reconstruction skills of military and civilian personnel.

#### SEC. 1245. OFFICE OF THE COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651 et seq.) is amended by adding at the end the following new section:

##### “SEC. 62. RECONSTRUCTION AND STABILIZATION.

“(a) OFFICE OF THE COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—

“(1) ESTABLISHMENT.—There is established within the Department of State the Office of the Coordinator for Reconstruction and Stabilization.

“(2) COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—The head of the Office shall be the Coordinator for Reconstruction and Stabilization, who shall be appointed by the President, by and with the advice and consent of the Senate. The Coordinator shall serve at the sole direction of, and report solely to, the Secretary of State or the Deputy Secretary of State and shall have the rank and status of Ambassador at Large.

“(3) FUNCTIONS.—The functions of the Office of the Coordinator for Reconstruction and Stabilization include the following:

“(A) Monitoring, in coordination with relevant bureaus within the Department of State, political and economic instability worldwide to anticipate the need for mobilizing United States and international assistance for the stabilization and reconstruction of countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

“(B) Assessing the various types of stabilization and reconstruction crises that could occur and cataloging and monitoring the non-military resources and capabilities of Executive agencies that are available to address such crises.

“(C) Planning to address appropriate non-military requirements, such as demobilization, policing, human rights monitoring, and public information, that commonly arise in stabilization and reconstruction crises.

“(D) Coordinating with relevant Executive agencies (as that term is defined in section 105 of title 5, United States Code) to develop interagency contingency plans to mobilize and deploy civilian personnel to address the various types of such crises.

“(E) Entering into appropriate arrangements with other Executive agencies to carry out activities under this section and the Reconstruction and Stabilization Civilian Management Act of 2007.

“(F) Identifying personnel in State and local governments and in the private sector who are available to participate in the Response Readiness Corps established under subsection (c) or to otherwise participate in or contribute to stabilization and reconstruction activities.

“(G) Taking steps to ensure that training of civilian personnel to perform such stabilization and reconstruction activities is adequate and, as appropriate, includes security training that involves exercises and simulations with the Armed Forces, including the regional commands.

“(H) Sharing information and coordinating plans for stabilization and reconstruction activities, as appropriate, with the United Nations and its specialized agencies, the North Atlantic Treaty Organization, nongovernmental organizations, and other foreign national and international organizations.

“(I) Coordinating plans and procedures for joint civilian-military operations with respect to stabilization and reconstruction activities.

“(J) Maintaining the capacity to field on short notice an evaluation team to undertake on-site needs assessment.

“(b) RESPONSE TO STABILIZATION AND RECONSTRUCTION CRISIS.—If the President determines that it is important to the national interests of the United States for United States civilian agencies or non-Federal employees to assist in stabilizing and reconstructing a country or region that is at risk of, in, or is in transition from, conflict or civil strife, the President may—

“(1) designate the Coordinator, or such other individual as the President may determine appropriate, as the coordinator of the United States response, and the individual so designated, or, in the event the President does not make such a designation, the Coor-

dinator for Reconstruction and Stabilization, shall—

“(A) assess the immediate and long-term need for resources and civilian personnel;

“(B) identify and mobilize non-military resources to respond to the crisis; and

“(C) coordinate the activities of the other individuals or management team, if any, designated by the President to manage the United States response;

“(2) exercise the authorities contained in sections 552(c)(2) and 610 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a(c)(2) and 2360) without regard to the percentage and aggregate dollar limitations contained in such sections; and

“(3) furnish assistance to respond to the crisis in accordance with the provisions set forth in section 614(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2364(a)(3)), including funds made available under such Act (22 U.S.C. 2151 et seq.) and transferred or reprogrammed for purposes of this section.”

#### SEC. 1246. RESPONSE READINESS CORPS.

(a) IN GENERAL.—Section 62 of the State Department Basic Authorities Act of 1956 (as added by section 1245) is amended by adding at the end the following new subsection:

“(c) RESPONSE READINESS CORPS.—

“(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the United States Agency for International Development and the heads of other appropriate departments and agencies of the United States Government, is authorized to establish and maintain a Response Readiness Corps (hereafter referred to in this subsection as the ‘Corps’) to provide assistance in support of stabilization and reconstruction activities in foreign countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

“(2) FEDERAL COMPONENTS.—

“(A) ACTIVE AND STANDBY COMPONENTS.—The Corps shall have active and standby components consisting of United States Government personnel as follows:

“(i) An active component, which should consist of 250 personnel who are recruited, employed, and trained in accordance with this paragraph.

“(ii) A standby component, which should consist of 2000 personnel who are recruited and trained in accordance with this paragraph.

“(B) AUTHORIZED MEMBERS OF STANDBY COMPONENT.—Personnel in the standby component of the Corps may include employees of the Department of State (including Foreign Service Nationals), employees of the United States Agency for International Development, employees of any other executive agency (as that term is defined in section 105 of title 5, United States Code), and employees of the legislative branch and judicial branch of Government—

“(i) who are assigned to the standby component by the Secretary following nomination for such assignment by the head of the department or agency of the United States Government concerned or by an appropriate official of the legislative or judicial branch of Government, as applicable; and

“(ii) who—

“(I) have the training and skills necessary to contribute to stabilization and reconstruction activities; and

“(II) have volunteered for deployment to carry out stabilization and reconstruction activities.

“(C) RECRUITMENT AND EMPLOYMENT.—The recruitment and employment of personnel to the Corps shall be carried out by the Secretary, the Administrator of the United States Agency for International Development, and the heads of the other departments and agencies of the United States

Government participating in the establishment and maintenance of the Corps.

“(D) TRAINING.—The Secretary is authorized to train the members of the Corps under this paragraph to perform services necessary to carry out the purpose of the Corps under paragraph (1).

“(E) COMPENSATION.—Members of the active component of the Corps under subparagraph (A)(i) shall be compensated in accordance with the appropriate salary class for the Foreign Service, as set forth in sections 402 and 403 of the Foreign Service Act of 1980 (22 U.S.C. 3962, 3963), or in accordance with the appropriate compensation provisions of title 5, United States Code.

“(3) CIVILIAN RESERVE.—

“(A) CIVILIAN RESERVE.—The Corps shall have a reserve (hereafter referred to in this subsection as the ‘Civilian Reserve’) consisting of non-United States Government personnel who are trained and available as needed to perform services necessary to carry out the purpose of the Corps under paragraph (1). The Civilian Reserve shall be established by the Secretary, in consultation with the Administrator of the United States Agency for International Development and the heads of other appropriate departments and agencies of the United States Government.

“(B) COMPOSITION.—Beginning not later than two years after the date of the enactment of the Reconstruction and Stabilization Civilian Management Act of 2007, the Civilian Reserve shall include at least 500 personnel, who may include retired employees of the United States Government, contractor personnel, nongovernmental organization personnel, State and local government employees, and individuals from the private sector, who—

“(i) have the training and skills necessary to enable them to contribute to stabilization and reconstruction activities;

“(ii) have volunteered to carry out stabilization and reconstruction activities; and

“(iii) are available for training and deployment to carry out the purpose of the Corps under paragraph (1).

“(4) USE OF RESPONSE READINESS CORPS.—

“(A) FEDERAL ACTIVE COMPONENT.—Members of the active component of the Corps under paragraph (2)(A)(i) are authorized to be available—

“(i) for activities in direct support of stabilization and reconstruction activities; and

“(ii) if not engaged in activities described in clause (i), for assignment in the United States, United States diplomatic missions, and United States Agency for International Development missions.

“(B) FEDERAL STANDBY COMPONENT AND CIVILIAN RESERVE.—The Secretary may deploy members of the Federal standby component of the Corps under paragraph (2)(A)(ii), and members of the Civilian Reserve under paragraph (3), in support of stabilization and reconstruction activities in a foreign country or region if the President makes a determination regarding a stabilization and reconstruction crisis under subsection (b).”

(b) EMPLOYMENT AUTHORITY.—The full-time personnel in the active component of the Response Readiness Corps under section 62(c)(2)(A)(i) of the State Department Basic Authorities Act of 1956 (as added by subsection (a)) are in addition to any other full-time personnel authorized to be employed under any other provision of law.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the status of efforts to establish the Response Readiness Corps under this section. The report should include recommendations for any legislation necessary to implement sec-

tion 62(c) of the State Department Basic Authorities Act of 1956 (as so added).

#### SEC. 1247. STABILIZATION AND RECONSTRUCTION TRAINING AND EDUCATION.

Section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended—

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

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

“(g) STABILIZATION AND RECONSTRUCTION CURRICULUM.—

“(1) ESTABLISHMENT AND MISSION.—The Secretary, in cooperation with the Secretary of Defense and the Secretary of the Army, is authorized to establish a stabilization and reconstruction curriculum for use in programs of the Foreign Service Institute, the National Defense University, and the United States Army War College.

“(2) CURRICULUM CONTENT.—The curriculum should include the following:

“(A) An overview of the global security environment, including an assessment of transnational threats and an analysis of United States policy options to address such threats.

“(B) A review of lessons learned from previous United States and international experiences in stabilization and reconstruction activities.

“(C) An overview of the relevant responsibilities, capabilities, and limitations of various Executive agencies (as that term is defined in section 105 of title 5, United States Code) and the interactions among them.

“(D) A discussion of the international resources available to address stabilization and reconstruction requirements, including resources of the United Nations and its specialized agencies, nongovernmental organizations, private and voluntary organizations, and foreign governments, together with an examination of the successes and failures experienced by the United States in working with such entities.

“(E) A study of the United States inter-agency system.

“(F) Foreign language training.

“(G) Training and simulation exercises for joint civilian-military emergency response operations.”

#### SEC. 1248. SERVICE RELATED TO STABILIZATION AND RECONSTRUCTION.

(a) PROMOTION PURPOSES.—Service in stabilization and reconstruction operations overseas, membership in the Response Readiness Corps under section 62(c) of the State Department Basic Authorities Act of 1956 (as added by section 1246), and education and training in the stabilization and reconstruction curriculum established under section 701(g) of the Foreign Service Act of 1980 (as added by section 1247) should be considered among the favorable factors for the promotion of employees of Executive agencies.

(b) PERSONNEL TRAINING AND PROMOTION.—The Secretary and the Administrator should take steps to ensure that, not later than 3 years after the date of the enactment of this Act, at least 10 percent of the employees of the Department and the United States Agency for International Development in the United States are members of the Response Readiness Corps or are trained in the activities of, or identified for potential deployment in support of, the Response Readiness Corps. The Secretary should provide such training as needed to Ambassadors and Deputy Chiefs of Mission.

(c) OTHER INCENTIVES AND BENEFITS.—The Secretary and the Administrator may establish and administer a system of awards and other incentives and benefits to confer appropriate recognition on and reward any individual who is assigned, detailed, or deployed to carry out stabilization or recon-

struction activities in accordance with this subtitle.

#### SEC. 1249. AUTHORITIES RELATED TO PERSONNEL.

(a) CONTRACTING AUTHORITY.—

(1) IN GENERAL.—The Secretary, or the Administrator with the concurrence of the Secretary, may enter into contracts to procure the services of nationals of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or aliens authorized to be employed in the United States as personal services contractors for the purpose of carrying out this subtitle, without regard to Civil Service or classification laws, for service in the Office of the Coordinator for Reconstruction and Stabilization or for service in foreign countries to assist in stabilizing and reconstructing a country or region that is at risk of, in, or is in transition from, conflict or civil strife. Such contracts are authorized to be negotiated, the terms of the contracts to be prescribed, and the work to be performed, where necessary, without regard to such statutory provisions as relate to the negotiation, making, and performance of contracts and performance of work in the United States.

(2) STATUS OF CONTRACTORS.—Individuals performing services under contracts described in paragraph (1) shall not by virtue of performing such services be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management. The Secretary or Administrator may determine the applicability to such individuals of any law administered by the Secretary or Administrator concerning the performance of such services by such individuals. Individuals employed by contract under the authority provided in paragraph (1) shall be considered employees for the purposes of parts 2600 through 2641 of title 5, Code of Federal Regulations, and sections 201, 203, 205, 207, 208, and 209 of title 18, United States Code.

(b) EXPERTS AND CONSULTANTS.—The Secretary and the Administrator may, to the extent necessary to obtain services without delay, employ experts and consultants under section 3109 of title 5, United States Code, for the purpose of carrying out this subtitle.

(c) AUTHORITY TO ACCEPT AND ASSIGN DETAILS.—The Secretary is authorized to accept details or assignments of employees of Executive agencies, members of the uniformed services, and employees of State or local governments on a reimbursable or non-reimbursable basis for the purpose of carrying out this subtitle. The assignment of an employee of a State or local government under this subsection shall be consistent with subchapter VI of chapter 33 of title 5, United States Code.

(d) DUAL COMPENSATION WAIVER.—

(1) ANNUITANTS UNDER CIVIL SERVICE RETIREMENT SYSTEM OR FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Notwithstanding sections 8344(i) and 8468(f) of title 5, United States Code, the Secretary or the head of another executive agency, as authorized by the Secretary, may waive the application of subsections (a) through (h) of such section 8344 and subsections (a) through (e) of such section 8468 with respect to annuitants under the Civil Service Retirement System or the Federal Employees Retirement System who are assigned, detailed, or deployed to assist in stabilizing and reconstructing a country or region that is at risk of, in, or is in transition from, conflict or civil strife during the period of their reemployment.

(2) ANNUITANTS UNDER FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM OR FOREIGN SERVICE PENSION SYSTEM.—The Secretary may waive the application of subsections (a) through (d) of section 824 of the Foreign



Service Act (22 U.S.C. 4064) for annuitants under the Foreign Service Retirement and Disability System or the Foreign Service Pension System who are reemployed on a temporary basis in order to be assigned, detailed, or deployed to assist in stabilization and reconstruction activities under this subtitle.

(e) **INCREASE IN PREMIUM PAY CAP.**—The Secretary, or the head of another executive agency as authorized by the Secretary, may compensate an employee detailed, assigned, or deployed to assist in stabilizing and reconstructing a country or region that is at risk of, in, or is in transition from, conflict or civil strife, without regard to the limitations on premium pay set forth in section 5547 of title 5, United States Code, to the extent that the aggregate of the basic pay and premium pay of such employee for a year does not exceed the annual rate payable for level II of the Executive Schedule.

(f) **EXTENSION OF CERTAIN FOREIGN SERVICE BENEFITS.**—The Secretary, or the head of another executive agency as authorized by the Secretary, may extend to any individuals assigned, detailed, or deployed to carry out stabilization and reconstruction activities in accordance with this subtitle, the benefits or privileges set forth in sections 412, 413, 704, and 901 of the Foreign Service Act of 1980 (22 U.S.C. 3972, 22 U.S.C. 3973, 22 U.S.C. 4024, and 22 U.S.C. 4081) to the same extent and manner that such benefits and privileges are extended to members of the Foreign Service.

(g) **COMPENSATORY TIME.**—Notwithstanding any other provision of law, the Secretary, or the head of another executive agency as authorized by the Secretary, may, subject to the consent of an individual who is assigned, detailed, or deployed to carry out stabilization and reconstruction activities in accordance with this subtitle, grant such individual compensatory time off for an equal amount of time spent in regularly or irregularly scheduled overtime work. Credit for compensatory time off earned shall not form the basis for any additional compensation. Any such compensatory time not used within 26 pay periods shall be forfeited.

(h) **ACCEPTANCE OF VOLUNTEER SERVICES.**—

(1) **IN GENERAL.**—The Secretary may accept volunteer services for the purpose of carrying out this subtitle without regard to section 1342 of title 31, United States Code.

(2) **TYPES OF VOLUNTEERS.**—Donors of voluntary services accepted for purposes of this section may include—

- (A) advisors;
- (B) experts;
- (C) consultants; and

(D) persons performing services in any other capacity determined appropriate by the Secretary.

(3) **SUPERVISION.**—The Secretary shall—

(A) ensure that each person performing voluntary services accepted under this section is notified of the scope of the voluntary services accepted;

(B) supervise the volunteer to the same extent as employees receiving compensation for similar services; and

(C) ensure that the volunteer has appropriate credentials or is otherwise qualified to perform in each capacity for which the volunteer's services are accepted.

(4) **APPLICABILITY OF LAW RELATING TO FEDERAL GOVERNMENT EMPLOYEES.**—A person providing volunteer services accepted under this section shall not be considered an employee of the Federal Government in the performance of those services, except for the purposes of the following provisions of law:

(A) Chapter 81 of title 5, United States Code, relating to compensation for work-related injuries.

(B) Chapter 11 of title 18, United States Code, relating to conflicts of interest.

(5) **APPLICABILITY OF LAW RELATING TO VOLUNTEER LIABILITY PROTECTION.**—

(A) **IN GENERAL.**—A person providing volunteer services accepted under this section shall be deemed to be a volunteer of a non-profit organization or governmental entity, with respect to the accepted services, for purposes of the Volunteer Protection Act of 1997 (42 U.S.C. 14501 et seq.).

(B) **INAPPLICABILITY OF EXCEPTIONS TO VOLUNTEER LIABILITY PROTECTION.**—Section 4(d) of such Act (42 U.S.C. 14503(d)) does not apply with respect to the liability of a person with respect to services of such person that are accepted under this section.

(i) **AUTHORITY FOR OUTSIDE ADVISORS.**—

(1) **IN GENERAL.**—The Secretary may establish temporary advisory commissions composed of individuals with appropriate expertise to facilitate the carrying out of this subtitle.

(2) **INAPPLICABILITY OF FACA.**—The requirements of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of a commission established under this subsection.

#### **SEC. 1250. PREVIOUSLY APPROPRIATED FUNDS.**

There are authorized to be appropriated for the Department of State under the heading "DIPLOMATIC AND CONSULAR PROGRAMS" such sums as may be available under section 3810 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110-28; 121 Stat. 151) to support and maintain a civilian reserve corps.

**SA 2875.** Mr. BOND submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

Strike section 1064 and insert the following:

#### **SEC. 1064. SECURITY CLEARANCES; LIMITATIONS.**

(a) **IN GENERAL.**—Title III of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b) is amended by adding at the end the following new section:

#### **"SEC. 3002. SECURITY CLEARANCES; LIMITATIONS.**

**"(a) DEFINITIONS.**—In this section:

**"(1) CONTROLLED SUBSTANCE.**—The term 'controlled substance' has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

**"(2) COVERED PERSON.**—The term 'covered person' means—

**"(A)** an officer or employee of a Federal agency;

**"(B)** a member of the Army, Navy, Air Force, or Marine Corps who is on active duty or is in an active status; and

**"(C)** an officer or employee of a contractor of a Federal agency.

**"(3) RESTRICTED DATA.**—The term 'Restricted Data' has the meaning given that term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

**"(4) SPECIAL ACCESS PROGRAM.**—The term 'special access program' has the meaning given that term in section 4.1 of Executive Order 12958 (60 Fed. Reg. 19825).

**"(b) PROHIBITION.**—After January 1, 2008, the head of a Federal agency may not grant or renew a security clearance for a covered person who is—

**"(1)** an unlawful user of, or is addicted to, a controlled substance; or

**"(2)** mentally incompetent, as determined by an adjudicating authority, based on an

evaluation by a duly qualified mental health professional employed by, or acceptable to and approved by, the United States government and in accordance with the adjudicative guidelines required by subsection (d).

**"(c) DISQUALIFICATION.**—

**"(1) IN GENERAL.**—After January 1, 2008, absent an express written waiver granted in accordance with paragraph (2), the head of a Federal agency may not grant or renew a security clearance described in paragraph (3) for a covered person who has been—

**"(A)** convicted in any court of the United States of a crime, was sentenced to imprisonment for a term exceeding 1 year, and was incarcerated as a result of that sentence for not less than 1 year; or

**"(B)** discharged or dismissed from the Armed Forces under dishonorable conditions.

**"(2) WAIVER AUTHORITY.**—In a meritorious case, an exception to the disqualification in this subsection may be authorized if there are mitigating factors. Any such waiver may be authorized only in accordance with standards and procedures prescribed by, or under the authority of, an Executive Order or other guidance issued by the President.

**"(3) COVERED SECURITY CLEARANCES.**—This subsection applies to security clearances that provide for access to—

**"(A)** special access programs;

**"(B)** Restricted Data; or

**"(C)** any other information commonly referred to as 'sensitive compartmented information'.

**"(4) ANNUAL REPORT.**—

**"(A) REQUIREMENT FOR REPORT.**—Not later than February 1 of each year, the head of a Federal agency shall submit a report to the appropriate committees of Congress if such agency employs or employed a person for whom a waiver was granted in accordance with paragraph (2) during the preceding year. Such annual report shall not reveal the identity of such person, but shall include for each waiver issued the disqualifying factor under paragraph (1) and the reasons for the waiver of the disqualifying factor.

**"(B) DEFINITIONS.**—In this paragraph:

**"(i) APPROPRIATE COMMITTEES OF CONGRESS.**—The term 'appropriate committees of Congress' means, with respect to a report submitted under subparagraph (A) by the head of a Federal agency—

**"(I)** the congressional intelligence committees;

**"(II)** the Committee on Homeland Security and Governmental Affairs of the Senate;

**"(III)** the Committee on Oversight and Government Reform of the House of Representatives; and

**"(IV)** each Committee of the Senate or the House of Representatives with oversight authority over such Federal agency.

**"(ii) CONGRESSIONAL INTELLIGENCE COMMITTEES.**—The term 'congressional intelligence committees' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

**"(d) ADJUDICATIVE GUIDELINES.**—

**"(1) REQUIREMENT TO ESTABLISH.**—The President shall establish adjudicative guidelines for determining eligibility for access to classified information.

**"(2) REQUIREMENTS RELATED TO MENTAL HEALTH.**—The guidelines required by paragraph (1) shall—

**"(A)** include procedures and standards under which a covered person is determined to be mentally incompetent and provide a means to appeal such a determination; and

**"(B)** require that no negative inference concerning the standards in the guidelines may be raised solely on the basis of seeking mental health counseling."

**(b) CONFORMING AMENDMENTS.**—

**(1) REPEAL.**—Section 986 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 49 of such title is amended by striking the item relating to section 986.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2008.

**SA 2876.** Mr. KERRY (for himself, Mr. DOMENICI, Mr. TESTER, Mr. HAGEL, and Mr. OBAMA) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the 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; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:  
**SEC. 703. CENTER OF EXCELLENCE IN PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF MILITARY EYE INJURIES.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1105 the following new section:

**“§ 1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries**

“(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of military eye injuries to carry out the responsibilities specified in subsection (c). The center shall be known as a ‘Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries’.

“(b) PARTNERSHIPS.—The Secretary shall ensure that the Center collaborates to the maximum extent practicable with the Department of Veterans Affairs, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

“(c) RESPONSIBILITIES.—(1) The Center shall—

“(A) develop, implement, and oversee a registry of information for the tracking of the diagnosis, surgical intervention or other operative procedure, other treatment, and follow up for each case of eye injury incurred by a member of the armed forces in combat that requires surgery or other operative intervention; and

“(B) ensure the electronic exchange with Secretary of Veterans Affairs of information obtained through tracking under subparagraph (A).

“(2) The registry under this subsection shall be known as the ‘Military Eye Injury Registry’.

“(3) The Center shall develop the Registry in consultation with the ophthalmological specialist personnel and optometric specialist personnel of the Department of Defense. The mechanisms and procedures of the Registry shall reflect applicable expert research on military and other eye injuries.

“(4) The mechanisms of the Registry for tracking under paragraph (1)(A) shall ensure that each military medical treatment facility or other medical facility shall submit to the Center for inclusion in the Registry information on the diagnosis, surgical intervention or other operative procedure, other treatment, and follow up for each case of eye

injury described in that paragraph as follows (to the extent applicable):

“(A) Not later than 72 hours after surgery or other operative intervention.

“(B) Any clinical or other operative intervention done within 30 days, 60 days, or 120 days after surgery or other operative intervention as a result of a follow-up examination.

“(C) Not later than 180 days after surgery or other operative intervention.

“(5)(A) The Center shall provide notice to the Blind Service or Low Vision Optometry Service, as applicable, of the Department of Veterans Affairs on each member of the armed forces described in subparagraph (B) for purposes of ensuring the coordination of the provision of visual rehabilitation benefits and services by the Department of Veterans Affairs after the separation or release of such member from the armed forces.

“(B) A member of the armed forces described in this subparagraph is a member of the armed forces as follows:

“(i) A member with an eye injury incurred in combat who has a visual acuity of  $\geq 20/200$  or less in either eye.

“(ii) A member with an eye injury incurred in combat who has a loss of peripheral vision of twenty degrees or less.

“(d) UTILIZATION OF REGISTRY INFORMATION.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly ensure that information in the Military Eye Injury Registry is available to appropriate ophthalmological and optometric personnel of the Department of Veterans Affairs for purposes of encouraging and facilitating the conduct of research, and the development of best practices and clinical education, on eye injuries incurred by members of the armed forces in combat.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1105 the following new item:

“1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries.”.

(b) INCLUSION OF RECORDS OF OIF/OEF VETERANS.—The Secretary of Defense shall take appropriate actions to include in the Military Eye Injury Registry established under section 1105a of title 10, United States Code (as added by subsection (a)), such records of members of the Armed Forces who incurred an eye injury in combat in Operation Iraqi Freedom or Operation Enduring Freedom before the establishment of the Registry as the Secretary considers appropriate for purposes of the Registry.

(c) REPORT ON ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the status of the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries under section 1105a of title 10, United States Code (as so added), including the progress made in established the Military Eye Injury Registry required under that section.

(d) TRAUMATIC BRAIN INJURY POST TRAUMATIC VISUAL SYNDROME.—In carrying out the program at Walter Reed Army Medical Center, District of Columbia, on Traumatic Brain Injury Post Traumatic Visual Syndrome, the Secretary of Defense and the Department of Veterans Affairs shall jointly provide for the conduct of a cooperative study on neuro-optometric screening and diagnosis of members of the Armed Forces with Traumatic Brain Injury by military medical treatment facilities of the Department of Defense and medical centers of the

Department of Veterans Affairs selected for purposes of this subsection for purposes of vision screening, diagnosis, rehabilitative management, and vision research on visual dysfunction related to Traumatic Brain Injury.

(e) FUNDING.—

(1) INCREASE IN AMOUNT FOR DEFENSE HEALTH PROGRAM.—The amount authorized to be appropriated by section 1403 for Defense Health Program is hereby increased by \$5,000,000.

(2) AVAILABILITY.—Of the amount authorized to be appropriated by section 1403 for Defense Health Program, as increased by paragraph (1), \$5,000,000 may be available for the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries under section 1105a of title 10, United States Code (as so added).

**SA 2877.** Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 565. EMERGENCY FUNDING FOR LOCAL EDUCATIONAL AGENCIES ENROLLING MILITARY DEPENDENT CHILDREN.**

(a) SHORT TITLE.—This section may be cited as the ‘Help for Military Children Affected by War Act of 2007’.

(b) GRANTS AUTHORIZED.—The Secretary of Defense is authorized to award grants to eligible local educational agencies for the additional education, counseling, and other needs of military dependent children who are affected by war or dramatic military decisions.

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term “eligible local educational agency” means a local educational agency that—

(A)(i) had a number of military dependent children in average daily attendance in the schools served by the local educational agency during the school year preceding the school year for which the determination is made, that—

(I) equaled or exceeded 20 percent of the number of all children in average daily attendance in the schools served by such agency during the preceding school year; or

(II) was 1,000 or more,

whichever is less; and

(ii) is designated by the Secretary of Defense as impacted by—

(I) Operation Iraqi Freedom;

(II) Operation Enduring Freedom;

(III) the global rebasing plan of the Department of Defense;

(IV) the realignment of forces as a result of the base closure process;

(V) the official creation or activation of 1 or more new military units; or

(VI) a change in the number of required housing units on a military installation, due to the Military Housing Privatization Initiative of the Department of Defense; or

(B)(i) enrolls not less than 1 military dependent child affected by Operation Iraqi Freedom or Operation Enduring Freedom, as certified by the Secretary of Education; and

(ii) is not eligible for a payment under section 8002 or 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702, 7703).



(2) **LOCAL EDUCATIONAL AGENCY.**—The term “local educational agency” has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) **MILITARY DEPENDENT CHILD.**—The term “military dependent child”—

(A) means a child described in subparagraph (B) or (D)(i) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)); and

(B) includes a child—

(i) who resided on Federal property with a parent on active duty in the National Guard or Reserve; or

(ii) who had a parent on active duty in the National Guard or Reserve but did not reside on Federal property.

(d) **USE OF FUNDS.**—Grant funds provided under this section shall be used for—

(1) tutoring, after-school, and dropout prevention activities for military dependent children with a parent who is or has been impacted by war-related action described in subclause (I), (II), or (III) of subsection (c)(1)(A)(ii);

(2) professional development of teachers, principals, and counselors on the needs of military dependent children with a parent who is or has been impacted by war-related action described in subclause (I), (II), or (III) of subsection (c)(1)(A)(ii);

(3) counseling and other comprehensive support services for military dependent children with a parent who is or has been impacted by war-related action described in subclause (I), (II), or (III) of subsection (c)(1)(A)(ii), including the hiring of a military-school liaison; and

(4) other basic educational activities associated with an increase in military dependent children.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to the Department of Defense \$5,000,000 to carry out this section for fiscal year 2008 and such sums as may be necessary for each of the 3 succeeding fiscal years.

(2) **SPECIAL RULE.**—Funds appropriated under paragraph (1) are in addition to any funds made available to local educational agencies under section 561 or 562 of this Act or section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703).

**SA 2878.** Mr. HATCH (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1044. REPORT ON CAPABILITIES FOR SUSTAINMENT OF THE MINUTEMAN III INTERCONTINENTAL BALLISTIC MISSILE.**

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

(1) The strategic forces of the United States remain a cornerstone of United States national security.

(2) The 2001 Nuclear Posture Review states that it is the current policy of the United States that intercontinental ballistic missiles (ICBMs), submarine-launched ballistic missiles, and long-range nuclear-armed bombers play a critical role in the defense capabilities of the United States, its allies, and friends.

(3) The dispersed and alert Minuteman III intercontinental ballistic missile system provides the most responsive, stabilizing, and cost-effective strategic force.

(4) Section 139 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2114) requires the Secretary of the Air Force to modernize Minuteman III intercontinental ballistic missiles in the United States inventory so as to maintain a sufficient supply of launch test assets and spares to sustain the deployed force of such missiles through 2030.

(5) The modernization program for the Minuteman III intercontinental ballistic missile is nearing completion. Once that program is complete, there will be no program to sustain the capability of the United States industrial base to modernize or replace the intercontinental ballistic missiles that constitute the sole land-based strategic deterrent system of the United States.

(6) As an example, motor production for the Minuteman III Propulsion Replacement Program (PRP) is currently scheduled to end in fiscal year 2009. Once the PRP program ends, the capacity of the United States industrial base to respond to matters arising from the aging and obsolescence of Minuteman III intercontinental ballistic missiles will be extremely diminished, decades-worth of critical program knowledge may be lost, and the current design of the Minuteman III intercontinental ballistic missile is likely to no longer be reproducible.

(b) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than March 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the capability of the United States industrial base to achieve each of the following:

(A) To maintain, modernize, and sustain the Minuteman III intercontinental ballistic missile (ICBM) system until at least 2030.

(B) To replace the Minuteman III intercontinental ballistic missile with a follow-on land-based strategic deterrent system after 2030.

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

(A) A description of any current plans for extending the Minuteman III intercontinental ballistic missile system after the period from 2020 to 2030, including plans for testing sufficient to account for any aging and obsolescence found in the Minuteman III intercontinental ballistic missile during the remaining life of the system, and an assessment of the risks associated with such plans after the shutdown of associated production lines.

(B) A description of any current plans to maintain the Minuteman III intercontinental ballistic missile system after 2030, including an assessment of any risks associated with such plans after the shutdown of associated production lines.

(C) An explanation why the Minuteman III intercontinental ballistic missile system, the only United States land-based strategic deterrent system, is no longer considered to be of the highest national defense urgency, as indicated by inclusion of the system on the so-called “DX-Rated Program List” while the sea-based strategic deterrent system, the Trident II D5 missile system, is still on the so-called “DX-list”.

(D) An analysis of existing commonalities between the service life extension program for the Trident II D5 missile system and any equivalent planned service life extension program for the Minuteman III intercontinental ballistic missile system, including an analysis of the impact on materials, the supplier base, production facilities, and the production workforce of extending all or part of the service life extension program for the

Trident II D5 missile system to a service life extension program for the Minuteman III intercontinental ballistic missile system.

(E) An assessment of the adequacy of current and anticipated programs, such as missile defense, space launch, and prompt global strike programs, to support the industrial base for the Minuteman III intercontinental ballistic missile system, including an analysis of the impact on materials, the supplier base, production facilities, and the production workforce of extending all or part of any such program to the program for the Minuteman III intercontinental ballistic missile system.

(c) **COMPTROLLER GENERAL REVIEW.**—Not later than 60 days after submittal under subsection (b) of the report required by that subsection, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the Comptroller General’s assessment of the matters contained in the report under subsection (b), including an assessment of the consistency of the budget of the President for fiscal year 2009, as submitted to Congress pursuant to section 1105 of title 31, United States Code, with the matters contained in the report under subsection (b).

**SA 2879.** Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

**SEC. 256. COST-BENEFIT ANALYSIS OF PROPOSED FUNDING REDUCTION FOR HIGH ENERGY LASER SYSTEMS TEST FACILITY.**

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing a cost-benefit analysis of the proposed reduction in Army research, development, test, and evaluation funding for the High Energy Laser Systems Test Facility.

(b) **EVALUATION OF IMPACT ON OTHER MILITARY DEPARTMENTS.**—The report required under subsection (a) shall include an evaluation of the impact of the proposed reduction in funding on each Federal agency that utilizes the High Energy Laser Systems Test Facility.

(c) **PROHIBITION ON ACTIONS TO DIMINISH ABILITY OF FACILITY TO FUNCTION AS MAJOR RANGE AND TEST BASE FACILITY.**—The Secretary of the Army may not take any action that diminishes the ability of the High Energy Laser Systems Test Facility to function as a major range and test base facility, as that term is defined in Department of Defense Directive 3200.11, including actions related to the closure of such facility.

**SA 2880.** Mr. SALAZAR submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 358. REPORT ON HIGH-ALTITUDE AVIATION TRAINING SITE, COLORADO.**

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the High-Altitude Aviation Training Site at Gypsum, Colorado.

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

- (1) a summary of costs for each of the previous 5 years associated with transporting aircraft to and from the High-Altitude Aviation Training Site for training purposes; and
- (2) an analysis of potential cost savings and operational benefits, if any, of permanently stationing no less than 4 UH-60, 2 CH-47, and 2 LUH-72 aircraft at the High-Altitude Aviation Training Site.

**SA 2881.** Mr. SALAZAR submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1044. REPORT AND MASTER INFRASTRUCTURE RECAPITALIZATION PLAN REGARDING CHEYENNE MOUNTAIN AIR STATION, COLORADO.**

(a) REPORT ON RELOCATION OF NORTH AMERICAN AEROSPACE DEFENSE COMMAND CENTER.—

(1) IN GENERAL.—Not later than December 31, 2007, the Secretary of Defense shall submit to Congress a report on the relocation of the North American Aerospace Defense command center and related functions from Cheyenne Mountain Air Station, Colorado, to Peterson Air Force Base, Colorado.

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

(A) an analysis comparing the total costs associated with the relocation, including costs determined as part of ongoing security-related studies of the relocation, to anticipated operational benefits from the relocation; and

(B) an analysis of what additional missions could be performed at the Cheyenne Mountain Air Station, including anticipated operational benefits or cost savings of moving additional functions to the Cheyenne Mountain Air Station.

(b) MASTER INFRASTRUCTURE RECAPITALIZATION PLAN.—

(1) IN GENERAL.—Not later than March 16, 2008, the Secretary of the Air Force shall submit to Congress a master infrastructure recapitalization plan for Cheyenne Mountain Air Station.

(2) CONTENT.—The plan required under paragraph (1) shall include—

(A) A description of the projects that are needed to improve the infrastructure required for supporting current and projected missions associated with Cheyenne Mountain Air Station; and

(B) a funding plan explaining the expected timetable for the Air Force to support such projects.

**SA 2882.** Mr. CARDIN submitted an amendment intended to be proposed by him to the 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 De-

partment of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 555. ASSESSMENTS OF SPONSOR PROGRAMS AT THE MILITARY SERVICE ACADEMIES.**

(a) ASSESSMENTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Board of Visitors for each military service academy shall submit to the congressional defense committees an assessment of the sponsor program at that academy together with a copy of the policy of the academy with respect to such program.

(b) CONTENT.—Each assessment submitted under subsection (a) shall describe—

- (1) the purpose of the policy regarding the sponsor program at the academy;
- (2) the implementation of the policy;
- (3) the method used to screen potential sponsors;
- (4) the responsibilities of sponsors; and
- (5) the guidance provided to midshipmen and cadets regarding the sponsor program.

**SA 2883.** Mr. CARDIN submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

**SEC. 1234. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON PREVENTION OF MASS ATROCITIES.**

(a) REPORT REQUIRED.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report assessing the capability of the Secretary of Defense and the Secretary of State to provide training and guidance to the command of an international intervention force that seeks to prevent mass atrocities.

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

(1) An evaluation of any doctrine currently used by the Secretary of Defense or the Secretary of State to prepare for the training and guidance of the command of an international intervention force.

(2) An assessment of the current capability of the Secretary of Defense and the Secretary of State to provide training and guidance to the command of an international intervention force in keeping with the “responsibility to protect” doctrine described in paragraphs 138 through 140 of the outcome document of the High-level Plenary Meeting of the General Assembly adopted by the United Nations in September 2005.

(3) An assessment of the potential capability of the Secretary of Defense and the Secretary of State to support the development of new doctrines for the training and guidance of an international intervention force in keeping with the “responsibility to protect” doctrine.

(4) Recommendations as to the steps necessary to allow the Secretary of Defense and the Secretary of State to provide more effective training and guidance to an international intervention force.

(c) INTERNATIONAL INTERVENTION FORCE.—For the purposes of this section, “international intervention force” means a military force that—

(1) is authorized by an international organization such as the United Nations, the Economic Community of West African States (ECOWAS), the North Atlantic Treaty Organization (NATO), the European Union, or the African Union; and

(2) has a mission that is narrowly focused on the protection of civilian life and the prevention of mass atrocities such as genocide.

**SA 2884.** Mr. KENNEDY submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1070. UNIFORM STANDARDS FOR INTERROGATION TECHNIQUES APPLICABLE TO INDIVIDUALS UNDER CONTROL OR CUSTODY OF THE UNITED STATES GOVERNMENT.**

(a) IN GENERAL.—No individual in the custody or under the effective control of the United States Government or any agency or instrumentality thereof, regardless of nationality or physical location, shall be subject to any treatment or technique of interrogation not authorized by sections 5-50 through 5-99 of the United States Army Field Manual on Human Intelligence Collector Operations.

(b) PROHIBITED ACTIONS.—The treatment or techniques of interrogation prohibited under subsection (a) include, but are not limited to, the following:

(1) Forcing an individual to be naked, perform sexual acts, or pose in a sexual manner.

(2) Placing a hood or sack over the head of an individual, or using or placing duct tape over the eyes of an individual.

(3) Applying a beating, electric shock, burns, or other forms of physical pain to an individual.

(4) Subjecting an individual to the procedure known as “waterboarding”.

(5) Subjecting an individual to threats or attack from a military working dog.

(6) Inducing hypothermia or heat injury in an individual.

(7) Conducting a mock execution of an individual.

(8) Depriving an individual of necessary food, water, or medical care.

(c) APPLICABILITY.—Subsection (a) shall not apply with respect to any individual in the custody or under the effective control of the United States Government pursuant to a criminal law or immigration law of the United States.

(d) CONSTRUCTION.—Nothing in this section shall be construed to affect the rights under the United States Constitution of any individual in the custody or under the effective control of the United States Government.

**SA 2885.** Mr. KENNEDY submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 132. LITTORAL COMBAT SHIP (LCS) PROGRAM.**

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

(1) The plan of the Chief of Naval Operations to recapitalize the United States Navy to at least 313 battle force ships is essential for meeting the long-term requirements of the National Military Strategy.

(2) Fiscal challenges to the plan to build a 313-ship fleet require that the Navy exercise discipline in determining warfighter requirements and responsibility in estimating, budgeting, and controlling costs.

(3) The 55-ship Littoral Combat Ship (LCS) program is central to the shipbuilding plan of the Navy. The inability of the Navy to control requirements and costs on the two lead ships of the Littoral Combat Ship program raises serious concerns regarding the capacity of the Navy to affordably build a 313-ship fleet.

(4) On April 23, 2007, the Naval Inspector General reported to Congress that it determined that cost growth in the Littoral Combat Ship program was attributable to several factors, most notably that—

(A) the strategy adopted for the Littoral Combat Ship program, a so-called “concurrent design-build” strategy, was a high-risk strategy that did not account for that risk in the cost and schedule for the lead ships in the program;

(B) inadequate emphasis was placed on “bid realism” in the evaluation of contract proposals under the program;

(C) late incorporation of Naval Vessel Rules into the program caused significant design delays and cost growth;

(D) the Earned Value Management System of the contractor under the program did not adequately measure shipyard performance, and the Navy did not independently assess cost performance;

(E) the program manager for the program was inexperienced as an acquisition professional and had insufficient staff support for the challenges posed by management of such a complex, major program because senior Navy officials waived qualifications of acquisition workforce personnel and chose not to provide adequate support in other areas;

(F) the acquisition chain-of-command, from the program office for the program to the Assistant Secretary of the Navy failed to report timely program cost and schedule information within the Navy and to the Office of Secretary of Defense and Congress, which resulted in poor understanding of actual program performance; and

(G) the relationship between the Naval Sea Systems Command and the program executive offices for the program was dysfunctional.

(b) **REQUIREMENT.**—In order to halt further cost growth in the Littoral Combat Ship program, costs and government liability under future contracts under the Littoral Combat Ship program shall be limited as follows:

(1) **LIMITATION OF COSTS.**—The total amount obligated or expended for the procurement costs of the fifth and sixth vessels in the Littoral Combat Ship (LCS) class of vessels shall not exceed \$460,000,000 per vessel.

(2) **PROCUREMENT COSTS.**—For purposes of paragraph (1), procurement costs shall include all costs for plans, basic construction, change orders, electronics, ordnance, contractor support, and other costs associated with completion of production drawings, ship construction, test, and delivery, including work performed post-delivery that is re-

quired to meet original contract requirements.

(3) **CONTRACT TYPE.**—The Navy shall employ a fixed-price type contract for construction of the fifth and following ships of the Littoral Combat Ship class of vessels.

(4) **LIMITATION OF GOVERNMENT LIABILITY.**—The Navy shall not enter into a contract, or modify a contract, for construction of the fifth or sixth vessel of the Littoral Combat Ship class of vessels if the limitation of the Government's cost liability, when added to the sum of other budgeted procurement costs, would exceed \$460,000,000 per vessel.

(5) **ADJUSTMENT OF LIMITATION AMOUNT.**—The Secretary of the Navy may adjust the amount set forth in paragraphs (1) and (4) for either vessel referred to in such paragraph by the following:

(A) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2007.

(B) The amounts of outfitting costs and costs required to complete post-delivery test and trials.

(C) **REPEAL OF SUPERSEDED AUTHORITY.**—Section 124 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3157) is repealed.

**SA 2886.** Mrs. FEINSTEIN (for herself and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the 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; which was ordered to lie on the table; as follows:

Strike section 824 and insert the following:

**SEC. 824. COMPTROLLER GENERAL REPORT ON EMPLOYMENT OPPORTUNITIES FOR FEDERAL PRISONERS.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall, in coordination with the Attorney General, submit to Congress a report setting forth such modifications to law or regulations as may be required to provide sufficient employment opportunities for Federal prisoners to reduce recidivism among, and to promote job skills for, the growing population of Federal prisoners.

(b) **ELEMENTS.**—The report shall include an assessment of the following:

(1) The effect of the current Federal Prison Industries program on private industry.

(2) The impact of limitations on authorized purchasers of Federal Prison Industries products, and proposed alternative employment opportunities for Federal prisoners that may be used to reduce any negative impact on the Federal Prison Industries program of the modifications set forth in subsection (a).

**NOTICES OF HEARINGS****COMMITTEE ON INDIAN AFFAIRS**

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, September 19, 2007, at 9:30 a.m. in

Room 628 of the Dirksen Senate Office Building to conduct a hearing on the process of Federal recognition of Indian tribes.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

**COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP**

Mr. KERRY. Mr. President, I would like to inform members that the Committee on Small Business and Entrepreneurship will hold a hearing entitled “Expanding Opportunities for Women Entrepreneurs: The Future of Women's Small Business Programs,” on Thursday, September 20, 2007, at 10 a.m. in room 428A of the Russell Senate Office Building.

**DISCHARGE AND REFERRAL—S. 2006**

Mr. REID. I ask unanimous consent that the Senate Committee on Environment and Public Works be discharged from further consideration of S. 2006 and the bill be referred to the Committee on Homeland Security and Governmental Affairs.

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

**ORDERS FOR TUESDAY, SEPTEMBER 18, 2007**

Mr. REID. Mr. President, I ask unanimous consent when the Senate completes its business today, it stand adjourned until tomorrow morning at 10 a.m., Tuesday, September 18; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the Republicans controlling the first 30 minutes and the majority controlling the final 30 minutes; that following morning business, the Senate proceed to H.R. 1124, as provided for under a previous order; that on Tuesday, following disposition of H.R. 1124, the Senate stand in recess until 2:15 p.m.

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

**ADJOURNMENT UNTIL 10 A.M. TOMORROW**

Mr. REID. If there is no further business today, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:12 p.m., adjourned until Tuesday, September 18, 2007, at 10 a.m.