AMENDMENT NO. 2905

Mr. SANDERS. Mr. President, I wanted to take this opportunity to say a few words about an amendment I have offered, No. 2905, that is cosponsored by Senators SUNUNU, KERRY, HARKIN, and BROWN. This amendment addresses a problem that is huge, that is going to continue to grow in coming years, and is something the Congress must address. All across our country, veterans of the war in Iraq and Afghanistan are going to come home with what we believe to be very high levels of post-traumatic stress disorder as well as traumatic brain injury. These are the signature injuries of the war in Iraq. I worry very much that we are not yet prepared to address this serious problem which not only impacts the returning soldiers, it impacts their wives, their kids, and their communities.

The amendment I have offered would develop a pilot program for State-based outreach to assist servicemembers and their families. The concern I have is that those who return home with TBI or PTSD are not going to get the care they need unless somebody makes contact with them and makes them aware of services and help that might be available. We can have all of the money we want allocated to addressing TBI or PTSD, but unless somebody goes out and brings those people into the system, that money is not going to do any good. I worry about that, especially for those returning soldiers who are in the National Guard who are not part of the active duty, who do not have a military infrastructure in front of them. I worry about soldiers coming home to small towns in Vermont and all across this country who suddenly find that their world is very different than the world they left, that they have nightmares, cold sweats, panic attacks when they go through a tunnel, and they don't know how to address those very serious symptoms of post-traumatic stress disorder.

What this amendment does uniquely is create an outreach effort by which trained personnel from the National Guard or elsewhere are literally going to knock on doors and chat with the individual returning soldier and his or her family and get a sense of what is going on in the family, letting those veterans understand that what they are experiencing is something being experienced by tens of thousands of other soldiers, and there is nothing to be ashamed of about the kinds of problems that individual is having.

The essence of this program is its nature as an outreach effort, not to sit back but to aggressively go out, knock on doors, have dialog, and bring people into the system which might be able to help them.

This amendment is supported by the National Guard Association of the United States. They have pointed out that this amendment, with its unique emphasis on outreach, is a perfect compliment to the reintegration and readjustment policies laid out by the Yellow Ribbon Program in the previously adopted Chambliss amendment to the Defense authorization bill.

This is a very strong amendment. I look forward to having support on both sides of the aisle. If we are serious about addressing the problems of PTSD and TBI, we have to be aggressive in outreach. That is what this amendment does.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. KYL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

COST OF PRIVATE SECURITY CONTRACTORS

• Mr. OBAMA. Mr. President, the recent incident in which Blackwater USA reportedly killed at least 11 Iraqis and wounded several others has prompted a long overdue examination of the role that private security contractors are playing in Iraq. An article in today's Washington Post titled ''U.S. Pays Steep Price for Private Security in Iraq'' helps to highlight the exorbitant mark-up that private security contractors are reportedly charging the U.S. Government.

Last week, the Senate accepted an amendment to the Defense Department authorization bill that I offered that will require Federal departments to report information to Congress on the total number of contractors in Iraq and Afghanistan, the companies awarded these contracts, and the cost of the contracts. The provisions of the amendment are drawn from the Transparency and Accountability in Military and Security Contracting Act, S. 674, that I introduced in February.

The American people have a right to know how their tax dollars are being spent in Iraq and the role that security contractors are playing in that conflict. We need to make sure that security contractors in Iraq are subject to adequate and transparent oversight and that their actions do not have a negative impact on our efforts to bring the war in Iraq to a responsible end.

I ask to have printed in the RECORD the text of the article from the Washington Post.

The article follows.

[From the Washington Post, Oct. 1, 2007]

U.S. PAYS STEEP PRICE FOR PRIVATE SECURITY IN IRAQ

(By Walter Pincus)

It costs the U.S. government a lot more to hire contract employees as security guards in Iraq than to use American troops.

It comes down to the simple business equation of every transaction requiring a profit.

The contract that Blackwater Security Consulting signed in March 2004 with Regency Hotel and Hospital of Kuwait for a 34-person security team offers a view into the private-security business world. The contract was made public last week by the House Oversight and Government Reform Committee majority staff as part of its report on Blackwater's actions related to an incident in Fallujah on March 31, 2004, when four members of the company's security team were killed in an ambush.

Understanding the contract's details requires some background: Regency was a subcontractor to another company, ESS Support Services Worldwide, of Cyprus, that was providing food and catering supplies to U.S. armed forces in Fallujah and other cities in Iraq. And ESS was a subcontractor to KBR, a subsidiary of Halliburton, which had the prime contract with the Defense Department.

So, Blackwater was a subcontractor to Regency, which was a subcontractor to ESS, which was a subcontractor to Halliburton's KBR subsidiary, the prime contractor for the Pentagon—and each company along the way was in business to make a profit.

Under the contract, Regency was to pay Blackwater $11,082,326 for one year, with a second year option, to put together a 34-person team that would provide security services for the ''movement of ESS's staff, management and workforce throughout Kuwait and Iraq and across country borders including the borders of Iraq, Kuwait, Turkey and Jordan.''

Blackwater's personnel were to do more than just convoy security. They were also to run command centers in Kuwait and Iraq 24 hours a day, seven days a week, that were to control all ESS security operations; prepare risk assessments; develop security procedures; train ESS personnel in security; and even vet other Iraqi security forces hired by Regency.

But their main role was to provide ''tactically sound and fully mission capable protective security details, the minimum team size [being] six operators with a minimum of two vehicles to support ESS movements.''

Blackwater's pricing was to be on ''a per person support basis, not including costs for housing, subsistence, vehicles and large equipment items,'' according to the contract. The team would be made up of two senior managers, 12 middle managers and 20 operators.

Regency was to provide Blackwater personnel with housing and necessities, including meals, as well as office space and administrative support. In addition, Regency would provide basic equipment, including vehicles and heavy weapons, while Blackwater was responsible for purchasing individual weapons and ammunition.

According to data provided to the House panel, the average per-day pay to personnel Blackwater hired was $600. According to the schedule of rates, supplies and services attached to the contract, Blackwater charged Regency $1,075 a day for senior managers, $945 a day for middle managers and $815 a day for operators.

Acording to data provided to the House panel, Regency charged ESS an average of $1,100 a day for the same people. How the Blackwater and Regency security charges were passed on by ESS to Halliburton's KBR cannot easily be determined since the catering company was paid on a per-meal basis, with security being a percentage of that charge.

Halliburton's KBR blended its security costs into the blanket costs passed on to the Defense Department.

How much more these costs are compared with the pay of U.S. troops is easier to determine.

An unmarried sergeant given Iraq pay and relief from U.S. taxes makes about $83 to $85 a day, given time in service. A married sergeant with children makes about double that, $170 a day.

Army Gen. David H. Petraeus, the top U.S. commander in Baghdad overseeing more than 160,000 U.S. troops, makes roughly $180,000 a year, or about $493 a day. That comes out to less than half the fee charged by Blackwater for its senior manager of a 34-man security team.●

Mr. CARDIN. Mr. President, when it comes to running the Federal Government and its workforce, the Bush administration is driven too much by ideology and not enough by common sense. In its quest to scuttle a civil service system that has served us well during peace time and war, the administration has embarked on an unprecedented campaign to privatize what most would agree are ''inherently governmental'' functions.

The Office of Management and Budget, OMB, has spearheaded privatization, claiming it can save taxpayers money. One example: relinquishing tax collection to private contractors. In May 2007, OMB claimed that contracting out Internal Revenue Service, IRS, debt collection to private contractors resulted in saving $35 million in fiscal year 2006. OMB failed to mention that the contractor had missed several deadlines imposed under the contract, leaving IRS employees to perform the bulk of the work. Another concern about that particular contract: our Government is turning over sensitive and private financial information entrusted to it by its citizens and placing that information in the hands of private debt collectors with grave potential for abuse.

An article from the February 3, 2007, New York Times neatly summarizes the situation: ''Without a public debate or formal policy decision, contractors have become a virtual fourth branch of government. On the rise for decades, spending on federal contracts has soared during the Bush Administration, to about $400 billion last year from $207 billion in 2000, fueled by the war in Iraq, domestic security and Hurricane Katrina, but also by a philosophy that encourages outsourcing almost everything government does.'' This unofficial branch of Government is not subject to the same checks and balances of accountability found in the civil service system.

The true cost of the executive branch's decision to privatize is the countless number of dedicated and highly trained Federal workers who will seek employment elsewhere rather than face the uncertainty of working in an environment that is subject to the political whims of an administration that pursues ideology over common sense and sound business policies. Even worse, such a hostile atmosphere will deter highly skilled candidates from ever considering public service, thereby depriving the public sector of the best and brightest who would otherwise seek careers in public service.

Left unchecked, this notion that the Federal Government is divisible and its functions can be auctioned off to the lowest bidder will ultimately deprive us of an experienced Federal workforce and the institutional memory that are essential for the Government to function effectively, especially in a crisis. We don't need each new contractor to start from scratch reinventing the wheel when old problems arise.

At a minimum, Federal employees should be allowed to compete with private contractors on an equal footing, which is where the Kennedy-Mikulski amendment comes in.

Currently, the contracting rules as spelled out in OMB Circular A–76 are overwhelmingly weighed in favor of contractors and against Federal employees. This amendment will correct inequities in the public-private competitive process at the Department of Defense, DOD, to ensure that hard-working civilian defense employees are not unfairly deprived of their jobs. It will also provide basic protection from unfair competition for other Federal employees at other agencies.

The amendment excludes the costs of health and retirement benefits from bids in public-private competitions, so contractors are not rewarded for providing bad benefits or even no benefits at all. Contractors currently have an incentive to shortchange their employees' benefits to gain an unfair advantage in bidding for Government work. The amendment would eliminate this incentive.

The amendment prohibits the use of ''privatization quotas.'' It is unlawful for OMB to set quotas for the amount of work that agencies should outsource away from the Federal workforce, but there is substantial evidence that the administration has a de facto quota system. The amendment would protect agencies' independent decisionmaking by requiring that any decision to conduct a public-private competition be wholly independent of OMB.

The amendment allows Federal employees the same appeal rights as contractors. When Federal employees win a privatization review, contractors can have the agency's decision reviewed by independent third parties, by appealing to the Government Accountability Office, GAO, or the Court of Federal Claims. Federal employees currently have no such appeal rights.

The amendment requires DOD to issue long overdue guidance on outsourcing Federal jobs. These guidelines were due in January, but DOD has failed to act. The amendment requires DOD to issue this guidance.

Finally, the amendment provides a fair opportunity to renew contracts won by Federal employees. Currently, DOD requires managers to ''re-compete'' contracts that are won by Federal employees at the end of each contract term, rather than extending the contract. But the same managers have discretion to extend contracts for jobs that are awarded to private contractors without reopening them to competition. The amendment gives managers discretion to extend contracts awarded to public employees.

We can and should have a discussion about the proper role of Government, and we should try to make the Government as efficient as possible. What we shouldn't do is carve it up and outsource its essential functions willy-nilly to politically favored contractors. There is money at stake but much more too. The Kennedy-Mikulski amendment is a proper way to proceed with regard to public-private competitions, and I urge my colleagues to support it.

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

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

AMENDMENTS NOS. 2937, AS MODIFIED; 3028; 3099, AS MODIFIED; 3102; 2264, AS MODIFIED; 2953, AS MODIFIED; 3005, AS MODIFIED; 2957, AS MODIFIED; 3103, AS MODIFIED; 3107; 3082, AS MODIFIED; 2325, AS MODIFIED; 2897, AS MODIFIED; 2068, AS MODIFIED; 3112; 3032, AS MODIFIED; 2905, AS MODIFIED; AND 3027, AS MODIFIED, TO AMENDMENT NO. 2011, EN-BLOC

Mr. LEVIN. Mr. President, I send a series of 18 amendments to the desk which have been cleared by myself and the now acting ranking member, Senator WARNER, and ask unanimous consent that the Senate consider those amendments en bloc, the amendments be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to any specific amendment be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. No objection.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 2937, AS MODIFIED

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 Department of Defense organization or activity that utilizes the High Energy Laser Systems Test Facility.

AMENDMENT NO. 3028

(Purpose: To allow additional types of vehicles to be used to meet minimum Federal fleet requirements)

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

SEC. 1070. DEFINITION OF ALTERNATIVE FUELED VEHICLE.

Section 301(3) of the Energy Policy Act of 1992 (42 U.S.C. 13211(3)) is amended—

(1) by striking ''(3) the term'' and inserting the following:

''(3) ALTERNATIVE FUELED VEHICLE.—

''(A) IN GENERAL.—The term''; and

(2) by adding at the end the following:

''(B) INCLUSIONS.—The term 'alternative fueled vehicle' includes—

''(i) a new qualified fuel cell motor vehicle (as defined in section 30B(b)(3) of the Internal Revenue Code of 1986);

''(ii) a new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3) of that Code);

''(iii) a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of that Code); and

''(iv) any other type of vehicle that the agency demonstrates to the Secretary would achieve a significant reduction in petroleum consumption.''.

AMENDMENT NO. 3099, AS MODIFIED

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

SEC. 132. ADVANCED PROCUREMENT FOR VIRGINIA CLASS SUBMARINE PROGRAM.

Of the amount authorized to be appropriated by section 102(a)(3) for shipbuilding and conversion for the Navy, $1,172,710,000 may be available for advanced procurement for the Virginia class submarine program, of which—

(1) $400,000,000 may be available for the procurement of a second ship set of reactor components; and

(2) $70,000,000 may be available for advanced procurement of non-nuclear long lead time material in order to support a reduced construction span for the boats in the next multiyear procurement program.

AMENDMENT NO. 3102

(Purpose: To require the Secretary of Energy to develop and implement a strategy to complete the remediation at the Moab site, and the removal of the tailings to the Crescent Junction site, in the State of Utah by not later than January 1, 2019)

At the end of title VIII, add the following:

SEC. 81___. (a) The Secretary of Energy shall develop a strategy to complete the remediation at the Moab site, and the removal of the tailings to the Crescent Junction site, in the State of Utah by not later than January 1, 2019.

(b) Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Appropriations of each of the Senate and the House of Representatives a report describing the strategy developed under subsection (a) and changes to the existing cost, scope and schedule of the remediation and removal activities that will be necessary to implement the strategy.

AMENDMENT NO. 2264, AS MODIFIED

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

SEC. 1422. ADMINISTRATION AND OVERSIGHT OF THE ARMED FORCES RETIREMENT HOME.

(a) INDEPENDENCE AND PURPOSE OF RETIREMENT HOME.—Section 1511 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411) is amended—

(1) in subsection (a), by adding at the end the following: ''However, for the purpose of entering into contracts, agreements, or transactions regarding real property and facilities under the control of the Board, the Retirement Home shall be treated as a military facility of the Department of Defense. The administration of the Retirement Home (including administration for the provision of health care and medical care for residents) shall remain under the direct authority, control, and administration of the Secretary of Defense.''; and

(2) by striking subsection (g) and inserting the following new subsection (g):

''(g) ACCREDITATION.—The Chief Operating Officer shall secure and maintain accreditation by a nationally recognized civilian accrediting organization for each aspect of each facility of the Retirement Home, including medical and dental care, pharmacy, independent living, and assisted living and nursing care.''.

(b) SPECTRUM OF CARE.—Section 1513(b) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 413(b)) is amended by inserting after the first sentence the following new sentence: ''The services provided residents of the Retirement Home shall include appropriate nonacute medical and dental services, pharmaceutical services, and transportation of residents, at no cost to residents, to acute medical and dental services and after-hours routine medical care''.

(e) CHIEF MEDICAL OFFICER.—The Armed Forces Retirement Home Act of 1991 is further amended by inserting after section 1515 the following new section:

''SEC. 1515A. CHIEF MEDICAL OFFICER.

''(a) APPOINTMENT.—(1) The Secretary of Defense shall appoint the Chief Medical Officer of the Retirement Home. The Secretary of Defense shall make the appointment in consultation with the Secretary of Homeland Security.

''(2) The Chief Medical Officer shall serve a term of two years, but is removable from office during such term at the pleasure of the Secretary.

''(3) The Secretary (or the designee of the Secretary) shall evaluate the performance of the Chief Medical Officer not less frequently than once each year. The Secretary shall carry out such evaluation in consultation with the Chief Operating Officer and the Local Board for each facility of the Retirement Home.

''(4) An officer appointed as Chief Medical Officer of the Retirement Home shall serve as Chief Medical Officer without vacating any other military duties and responsibilities assigned to that officer whether at the time of appointment or afterward.

''(b) QUALIFICATIONS.—(1) To qualify for appointment as the Chief Medical Officer, a person shall be a member of the Medical, Dental, Nurse, or Medical Services Corps of the Armed Forces, including the Health and Safety Directorate of the Coast Guard, serving on active duty in the grade of brigadier general, or in the case of the Navy or the Coast Guard rear admiral (lower half), or higher.

''(2) In making appointments of the Chief Medical Officer, the Secretary of Defense shall, to the extent practicable, provide for the rotation of the appointments among the various Armed Forces and the Health and Safety Directorate of the Coast Guard.

''(c) RESPONSIBILITIES.—(1) The Chief Medical Officer shall be responsible to the Secretary, the Under Secretary of Defense for Personnel and Readiness, and the Chief Operating Officer for the direction and oversight of the provision of medical, mental health, and dental care at each facility of the Retirement Home.

''(2) The Chief Medical Officer shall advise the Secretary, the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, and the Local Board for each facility of the Retirement Home on all medical and medical administrative matters of the Retirement Home.

''(d) DUTIES.—In carrying out the responsibilities set forth in subsection (c), the Chief Medical Officer shall perform the following duties:

''(1) Ensure the timely availability to residents of the Retirement Home, at locations other than the Retirement Home, of such acute medical, mental health, and dental care as such resident may require that is not available at the applicable facility of the Retirement Home.

''(2) Ensure compliance by the facilities of the Retirement Home with accreditation standards, applicable health care standards of the Department of Veterans Affairs, and any other applicable health care standards and requirements (including requirements identified in applicable reports of the Inspector General of the Department of Defense).

''(3) Periodically visit and inspect the medical facilities and medical operations of each facility of the Retirement Home.

''(4) Periodically examine and audit the medical records and administration of the Retirement Home.

''(5) Consult with the Local Board for each facility of the Retirement Home not less frequently than once each year.

''(e) ADVISORY BODIES.—In carrying out the responsibilities set forth in subsection (c) and the duties set forth in subsection (d), the Chief Medical Officer may establish and seek the advice of such advisory bodies as the Chief Medical Officer considers appropriate.''.

(f) LOCAL BOARDS OF TRUSTEES.—

(1) DUTIES.—Subsection (b) of section 1516 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 416) is amended to read as follows:

''(b) DUTIES.—(1) The Local Board for a facility shall serve in an advisory capacity to the Director of the facility and to the Chief Operating Officer.

''(2) The Local Board for a facility shall provide to the Chief Operating Officer and the Director of the facility such guidance and recommendations on the administration of the facility as the Local Board considers appropriate.

''(3) The Local Board for a facility shall provide to the Under Secretary of Defense for Personnel and Readiness not less often than annually an assessment of all aspects of the facility, including the quality of care at the facility.

''(4) Not less frequently than once each year, the Local Board for a facility shall submit to Congress a report that includes an assessment of all aspects of the facility, including the quality of care at the facility.''.

(2) COMPOSITION.—Subparagraph (K) of subsection (c) of such section is amended to read as follows:

''(K) One senior representative of one of the chief personnel officers of the Armed Forces, who shall be a member of the Armed Forces serving on active duty in the grade of brigadier general, or in the case of the Navy or Coast Guard, rear admiral (lower half).''.

(h) INSPECTION OF RETIREMENT HOME.—Section 1518 of such Act (24 U.S.C. 418) is amended to read as follows:

''SEC. 1518. INSPECTION OF RETIREMENT HOME.

''(a) INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.—(1) The Inspector General of the Department of Defense shall have the duty to inspect the Retirement Home.

''(2) The Inspector General shall advise the Secretary of Defense and the Director of each facility of the Retirement Home on matters relating to waste, fraud, abuse, and mismanagement of the Retirement Home.

''(b) INSPECTIONS BY INSPECTOR GENERAL.—(1) Every two years, the Inspector General of the Department of Defense shall perform a comprehensive inspection of all aspects of each facility of the Retirement Home, including independent living, assisted living, medical and dental care, pharmacy, financial and contracting records, and any aspect of either facility on which the Local Board for the facility or the resident advisory committee or council of the facility recommends inspection.

''(2) The Inspector General may be assisted in inspections under this subsection by a medical inspector general of a military department designated for purposes of this subsection by the Secretary of Defense.

''(3) In conducting the inspection of a facility of the Retirement Home under this subsection, the Inspector General shall solicit concerns, observations, and recommendations from the Local Board for the facility, the resident advisory committee or council of the facility, and the residents of the facility. Any concerns, observations, and recommendations solicited from residents shall be solicited on a not-for-attribution basis.

''(4) The Chief Operating Officer and the Director of each facility of the Retirement Home shall make all staff, other personnel, and records of each facility available to the Inspector General in a timely manner for purposes of inspections under this subsection.

''(c) REPORTS ON INSPECTIONS BY INSPECTOR GENERAL.—(1) Not later than 45 days after completing an inspection of a facility of the Retirement Home under subsection (b), the Inspector General shall submit to the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, the Director of the facility, and the Local Board for the facility, and to Congress, a report describing the results of the inspection and containing such recommendations as the Inspector General considers appropriate in light of the inspection.

''(2) Not later than 45 days after receiving a report of the Inspector General under paragraph (1), the Director of the facility concerned shall submit the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, and the Local Board for the facility, and to Congress, a plan to address the recommendations and other matters set forth in the report.

''(d) ADDITIONAL INSPECTIONS.—(1) Every two years, in a year in which the Inspector General does not perform an inspection under subsection (b), the Chief Operating Officer shall request the inspection of each facility of the Retirement Home by a nationally recognized civilian accrediting organization in accordance with section 1422(a)(2)(g) of this amendment.

''(2) The Chief Operating Officer and the Director of a facility being inspected under this subsection shall make all staff, other personnel, and records of the facility available to the civilian accrediting organization in a timely manner for purposes of inspections under this subsection.

''(e) REPORTS ON ADDITIONAL INSPECTIONS.—(1) Not later than 45 days after receiving a report of an inspection from the civilian accrediting organization under subsection (d), the Director of the facility concerned shall submit to the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, and the Local Board for the facility a report containing—

''(A) the results of the inspection; and

''(B) a plan to address any recommendations and other matters set forth in the report.

''(2) Not later than 45 days after receiving a report and plan under paragraph (1), the Secretary of Defense shall submit the report and plan to Congress.''.

(i) ARMED FORCES RETIREMENT HOME TRUST FUND.—Section 1519 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 419) is amended by adding at the end the following new subsection:

''(d) REPORTING REQUIREMENTS.—The Chief Financial Officer of the Armed Forces Retirement Home shall comply with the reporting requirements of subchapter II of chapter 35 of title 31, United States Code.''.

AMENDMENT NO. 2953, AS MODIFIED

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

SEC. 565. EMERGENCY ASSISTANCE 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) ASSISTANCE AUTHORIZED.—The Secretary of Defense may provide assistance to eligible local educational agencies for the additional education, counseling, and other needs of military dependent children who are affected by war-related action.

(c) DEFINITIONS.—In this section:

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

(A) has a number of military dependent children in average daily attendance in the schools served by the local educational agency during the current school year, determined in consultation with the Secretary of Education, 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 current school year; or

(ii) is 1,000 or more,

whichever is less; and

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

(i) Operation Iraqi Freedom;

(ii) Operation Enduring Freedom; or

(iii) the global rebasing plan of the Department of Defense.

(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) ASSISTANCE.—Assistance provided under this section may 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 clause (i), (ii), or (iii) of subsection (c)(1)(B);

(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 clause (i), (ii), or (iii) of subsection (c)(1)(B); and

(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 clause (i), (ii), or (iii) of subsection (c)(1)(B), including the subsidization of a percentage of hiring of a military-school liaison.

AMENDMENT NO. 3005, AS MODIFIED

At the appropriate place, insert the following:

SEC. _____. PROGRAMS FOR USE OF LEAVE BY CAREGIVERS FOR FAMILY MEMBERS OF INDIVIDUALS PERFORMING CERTAIN MILITARY SERVICE.

(a) FEDERAL EMPLOYEES PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CAREGIVER.—The term ''caregiver'' means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term ''covered period of service'' means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (3) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term ''employee'' has the meaning given under section 6331 of title 5, United States Code.

(D) FAMILY MEMBER.—The term ''family member'' includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 18 years, elderly adults, persons with disabilities, and other persons with a mental or physical disability, who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term ''qualified member of the Armed Forces'' means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—The Office of Personnel Management may establish a program to authorize a caregiver to use under paragraph (4)—

(A) any sick leave of that caregiver during a covered period of service; and

(B) any leave available to that caregiver under subchapter III or IV of chapter 63 of title 5, United States Code, during a covered period of service.

(3) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to—

(i) the employing agency; and

(ii) the uniformed service of which the individual is a member.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(4) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the giving of care by the employee to a family member under the designation of the employee as the caregiver for the family member.

(5) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out this subsection, including a definition of activities that qualify as the giving of care.

(6) TERMINATION.—The program under this subsection shall terminate on December 31, 2010.

(b) VOLUNTARY PRIVATE SECTOR LEAVE PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CAREGIVER.—The term ''caregiver'' means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term ''covered period of service'' means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (4) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term ''employee'' means an employee of a business entity participating in the program under this subsection.

(D) FAMILY MEMBER.—The term ''family member'' includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 18 years, elderly adults, persons with disabilities, and other persons with a mental or physical disability, who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term ''qualified member of the Armed Forces'' means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—

(A) IN GENERAL.—The Secretary of Labor may establish a program to authorize employees of business entities described under paragraph (3) to use sick leave, or any other leave available to an employee, during a covered period of service for purposes relating to, or resulting from, the giving of care by the employee to a family member under the designation of the employee as the caregiver for the family member.

(B) EXCEPTION.—Subparagraph (A) shall not apply to leave made available under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(3) VOLUNTARY BUSINESS PARTICIPATION.—The Secretary of Labor shall solicit business entities to voluntarily participate in the program under this subsection.

(4) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to—

(i) the employing business entity; and

(ii) the uniformed service of which the individual is a member.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(5) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the giving of care by the employee to a family member under the designation of the employee as the caregiver for the family member.

(6) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary of Labor shall prescribe regulations to carry out this subsection.

(7) TERMINATION.—The program under this subsection shall terminate on December 31, 2010.

(c) GAO REPORT.—Not later than March 31, 2010, the Government Accountability Office shall submit a report to Congress on the programs under subsections (a) and (b) that includes—

(1) an evaluation of the success of each program; and

(2) recommendations for the continuance or termination of each program.

AMENDMENT NO. 2957 AS MODIFIED

DIVISION —MARITIME ADMINISTRATION

SEC. —001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Maritime Administration Authorities Act of 2007''.

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

TITLE I—GENERAL

SEC. —102. COMMERCIAL VESSEL CHARTERING AUTHORITY.

(a) IN GENERAL.—Subchapter III of chapter 575 of title 46, United States Code, is amended by adding at the end the following:

''§ 57533. Vessel chartering authority

''The Secretary of Transportation may enter into contracts or other agreements on behalf of the United States to purchase, charter, operate, or otherwise acquire the use of any vessels documented under chapter 121 of this title and any other related real or personal property. The Secretary is authorized to use this authority as the Secretary deems appropriate.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 575 of such title is amended by adding at the end the following:

''57533. Vessel chartering authority.''.

SEC. —103. MARITIME ADMINISTRATION VESSEL CHARTERING AUTHORITY.

Section 50303 of title 46, United States Code, is amended by—

(1) inserting ''vessels,'' after ''piers,''; and

(2) by striking ''control;'' in subsection (a)(1) and inserting ''control, except that the prior consent of the Secretary of Defense for such use shall be required with respect to any vessel in the Ready Reserve Force or in the National Defense Reserve Fleet which is maintained in a retention status for the Department of Defense;''.

SEC. —104. CHARTERING TO STATE AND LOCAL GOVERNMENTAL INSTRUMENTALITIES.

Section 11(b) of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744(b)), is amended—

(1) by striking ''or'' after the semicolon in paragraph (3);

(2) by striking ''Defense.'' in paragraph (4) and inserting ''Defense; or''; and

(3) by adding at the end thereof the following:

''(5) on a reimbursable basis, for charter to the government of any State, locality, or Territory of the United States, except that the prior consent of the Secretary of Defense for such use shall be required with respect to any vessel in the Ready Reserve Force or in the National Defense Reserve Fleet which is maintained in a retention status for the Department of Defense.''.

SEC. —105. DISPOSAL OF OBSOLETE GOVERNMENT VESSELS.

Section 6(c)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)(1)) is amended—

(1) by inserting ''(either by sale or purchase of disposal services)'' after ''shall dispose''; and

(2) by striking subparagraph (A) of paragraph (1) and inserting the following:

''(A) in accordance with a priority system for disposing of vessels, as determined by the Secretary, which shall include provisions requiring the Maritime Administration to—

''(i) dispose of all deteriorated high priority ships that are available for disposal, within 12 months of their designation as such; and

''(ii) give priority to the disposition of those vessels that pose the most significant danger to the environment or cost the most to maintain;''.

SEC. —106. VESSEL TRANSFER AUTHORITY.

Section 50304 of title 46, United States Code, is amended by adding at the end thereof the following:

''(d) VESSEL CHARTERS TO OTHER DEPARTMENTS.—On a reimbursable or nonreimbursable basis, as determined by the Secretary of Transportation, the Secretary may charter or otherwise make available a vessel under the jurisdiction of the Secretary to any other department, upon the request by the Secretary of the department that receives the vessel. The prior consent of the Secretary of Defense for such use shall be required with respect to any vessel in the Ready Reserve Force or in the National Defense Reserve Fleet which is maintained in a retention status for the Department of Defense.''.

SEC. —107. SEA TRIALS FOR READY RESERVE FORCE.

Section 11(c)(1)(B) of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744(c)(1)(B)) is amended to read as follows:

''(B) activate and conduct sea trials on each vessel at least once every 30 months;''.

SEC. —108. REVIEW OF APPLICATIONS FOR LOANS AND GUARANTEES.

(a) PLAN.—Within 180 days after the date of enactment of this Act, the Administrator of the Maritime Administration shall develop a comprehensive plan for the review of traditional applications and non-traditional applications.

(b) INCLUSIONS.—The comprehensive plan shall include a description of the application review process that shall not exceed 90 days for review of traditional applications.

(c) REPORT TO CONGRESS.—The Administrator shall submit a report describing the comprehensive plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Armed Forces.

(d) DEFINITIONS.—In this section:

(1) NONTRADITIONAL APPLICATION.—The term ''nontraditional application'' means an application for a loan, guarantee, or a commitment to guarantee submitted pursuant to chapter 537 of title 46, United States Code, that is not a traditional application, as determined by the Administrator.

(2) TRADITIONAL APPLICATION.—The term ''traditional application'' means an application for a loan, guarantee, or a commitment to guarantee submitted pursuant to chapter 537 of title 46, United States Code, that involves a market, technology, and financial structure of a type that has been approved in such an application multiple times before the date of enactment of this Act without default or unreasonable risk to the United States, as determined by the Administrator.

TITLE II—TECHNICAL CORRECTIONS

SEC. —201. STATUTORY CONSTRUCTION.

The amendments made by this title make no substantive change in existing law and may not be construed as making a substantive change in existing law.

SEC. —202. PERSONAL INJURY TO OR DEATH OF SEAMEN.

(a) AMENDMENT.—Section 30104 of title 46, United States Code, is amended by striking subsections (a) and (b) and inserting the following:

''(a) CAUSE OF ACTION.—A seaman injured in the course of employment or, if the seaman dies from the injury, the personal representative of the seaman may bring an action against the employer. In such an action, the laws of the United States regulating recovery for personal injury to, or death of, a railway employee shall apply. Such an action may be maintained in admiralty or, at the plaintiff's election, as an action at law, with the right of trial by jury.

''(b) VENUE.—When the plaintiff elects to maintain an action at law, venue shall be in the judicial district in which the employer resides or the employer's principal office is located.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as if included in the enactment of Public Law 109–304.

SEC. —203. AMENDMENTS TO CHAPTER 537 BASED ON PUBLIC LAW 109–163.

(a) AMENDMENTS.—Title 46, United States Code, is amended as follows:

(1) Section 53701 is amended by—

(A) redesignating paragraphs (2) through (13) as paragraphs (3) through (14), respectively;

(B) inserting after paragraph (1) the following:

''(2) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Maritime Administration.''; and

(C) striking paragraph (13) (as redesignated) and inserting the following:

''(13) SECRETARY.—The term 'Secretary' means the Secretary of Commerce with respect to fishing vessels and fishery facilities.''.

(2) Section 53706(c) is amended to read as follows:

''(c) PRIORITIES FOR CERTAIN VESSELS.—

''(1) VESSELS.—In guaranteeing or making a commitment to guarantee an obligation under this chapter, the Administrator shall give priority to—

''(A) a vessel that is otherwise eligible for a guarantee and is constructed with assistance under subtitle D of the Maritime Security Act of 2003 (46 U.S.C. 53101 note); and

''(B) after applying subparagraph (A), a vessel that is otherwise eligible for a guarantee and that the Secretary of Defense determines—

''(i) is suitable for service as a naval auxiliary in time of war or national emergency; and

''(ii) meets a shortfall in sealift capacity or capability.

''(2) TIME FOR DETERMINATION.—The Secretary of Defense shall determine whether a vessel satisfies paragraph (1)(B) not later than 30 days after receipt of a request from the Administrator for such a determination.''.

(3) Section 53707 is amended—

(A) by inserting ''or Administrator'' in subsections (a) and (d) after ''Secretary'' each place it appears;

(B) by striking ''Secretary of Transportation'' in subsection (b) and inserting ''Administrator'';

(C) by striking ''of Commerce'' in subsection (c); and

(D) in subsection (d)(2), by—

(i) inserting ''if the Secretary or Administrator considers necessary,'' before ''the waiver''; and

(ii) striking ''the increased'' and inserting ''any significant increase in''.

(4) Section 53708 is amended—

(A) by striking ''SECRETARY OF TRANSPORTATION'' in the heading of subsection (a) and inserting ''ADMINISTRATOR'';

(B) by striking ''Secretary'' and ''Secretary of Transportation'' each place they appear in subsection (a) and inserting ''Administrator'';

(C) by striking ''OF COMMERCE'' in the heading of subsection (b);

(D) by striking ''of Commerce'' in subsections (b) and (c);

(E) in subsection (d), by—

(i) inserting ''or Administrator'' after ''Secretary'' the first place it appears; and

(ii) striking ''financial structures, or other risk factors identified by the Secretary. Any independent analysis conducted under this subsection shall be performed by a party chosen by the Secretary.'' and inserting ''or financial structures. A third party independent analysis conducted under this subsection shall be performed by a private sector expert in assessing such risk factors who is selected by the Secretary or Administrator.''; and

(F) in subsection (e), by—

(i) inserting ''or Administrator'' after ''Secretary'' the first place it appears; and

(ii) striking ''financial structures, or other risk factors identified by the Secretary'' and inserting ''or financial structures''.

(5) Section 53710(b)(1) is amended by striking ''Secretary's'' and inserting ''Administrator's''.

(6) Section 53712(b) is amended by striking the last sentence and inserting ''If the Secretary or Administrator has waived a requirement under section 53707(d) of this title, the loan agreement shall include requirements for additional payments, collateral, or equity contributions to meet the waived requirement upon the occurrence of verifiable conditions indicating that the obligor's financial condition enables the obligor to meet the waived requirement.''.

(7) Subsections (c) and (d) of section 53717 are each amended—

(A) by striking ''OF COMMERCE'' in the subsection heading; and

(B) by striking ''of Commerce'' each place it appears.

(8) Section 53732(e)(2) is amended by inserting ''of Defense'' after ''Secretary'' the second place it appears.

(9) The following provisions are amended by striking ''Secretary'' and ''Secretary of Transportation'' and inserting ''Administrator'':

(A) Section 53710(b)(2)(A)(i).

(B) Section 53717(b) each place it appears in a heading and in text.

(C) Section 53718.

(D) Section 53731 each place it appears, except where ''Secretary'' is followed by ''of Energy''.

(E) Section 53732 (as amended by paragraph (8)) each place it appears, except where ''Secretary'' is followed by ''of the Treasury'', ''of State'', or ''of Defense''.

(F) Section 53733 each place it appears.

(10) The following provisions are amended by inserting ''or Administrator'' after ''Secretary'' each place it appears in headings and text, except where ''Secretary'' is followed by ''of Transportation'' or ''of the Treasury'':

(A) The items relating to sections 53722 and 53723 in the chapter analysis for chapter 537.

(B) Sections 53701(1), (4), and (9) (as redesignated by paragraph (1)(A)), 53702(a), 53703, 53704, 53706(a)(3)(B)(iii), 53709(a)(1), (b)(1) and (2)(A), and (d), 53710(a) and (c), 53711, 53712 (except in the last sentence of subsection (b) as amended by paragraph (6)), 53713 to 53716, 53721 to 53725, and 53734.

(11) Sections 53715(d)(1), 53716(d)(3), 53721(c), 53722(a)(1) and (b)(1)(B), and 53724(b) are amended by inserting ''or Administrator's'' after ''Secretary's''.

(b) REPEAL OF SUPERSEDED AMENDMENTS.—Section 3507 (except subsection (c)(4)) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is repealed.

SEC. —204. ADDITIONAL AMENDMENTS BASED ON PUBLIC LAW 109–163.

(a) AMENDMENTS.—Title 46, United States Code, is amended as follows:

(1) Chapters 513 and 515 are amended by striking ''Naval Reserve'' each place it appears in analyses, headings, and text and inserting ''Navy Reserve''.

(2) Section 51504(f) is amended to read as follows:

''(f) FUEL COSTS.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall pay to each State maritime academy the costs of fuel used by a vessel provided under this section while used for training.

''(2) MAXIMUM AMOUNTS.—The amount of the payment to a State maritime academy under paragraph (1) may not exceed—

''(A) $100,000 for fiscal year 2006;

''(B) $200,000 for fiscal year 2007; and

''(C) $300,000 for fiscal year 2008 and each fiscal year thereafter.''.

(3) Section 51505(b)(2)(B) is amended by striking ''$200,000'' and inserting ''$300,000 for fiscal year 2006, $400,000 for fiscal year 2007, and $500,000 for fiscal year 2008 and each fiscal year thereafter''.

(4) Section 51701(a) is amended by striking ''of the United States.'' and inserting ''of the United States and to perform functions to assist the United States merchant marine, as determined necessary by the Secretary.''.

(5)(A) Section 51907 is amended to read as follows:

''§ 51907. Provision of decorations, medals, and replacements

''The Secretary of Transportation may provide—

''(1) the decorations and medals authorized by this chapter and replacements for those decorations and medals; and

''(2) replacements for decorations and medals issued under a prior law.''.

(B) The item relating to section 51907 in the chapter analysis for chapter 519 is amended to read as follows:

''51907. Provision of decorations, medals, and replacements.''.

(6)(A) The following new chapter is inserted after chapter 539:

''CHAPTER 541—MISCELLANEOUS

''Sec.
''54101. Assistance for small shipyards and maritime communities.''.

(B) Section 3506 of the National Defense Authorization Act for Fiscal Year 2006 (46 U.S.C. 53101 note) is transferred to and redesignated as section 54101 of title 46, United States Code, to appear at the end of chapter 541 of title 46, as inserted by subparagraph (A).

(C) The heading of such section, as transferred by subparagraph (B), is amended to read as follows:

''§ 54101. Assistance for small shipyards and maritime communities''.

(D) Paragraph (1) of subsection (h) of such section, as transferred by subparagraph (B), is amended by striking ''(15 U.S.C. 632);'' and inserting ''(15 U.S.C. 632));''.

(E) The table of chapters at the beginning of subtitle V is amended by inserting after the item relating to chapter 539 the following new item:

''541. Miscellaneous ..... 54101''.

(b) REPEAL OF SUPERSEDED AMENDMENTS.—Sections 515(g)(2), 3502, 3509, and 3510 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) are repealed.

SEC. —205. AMENDMENTS BASED ON PUBLIC LAW 109–171.

(a) AMENDMENTS.—Section 60301 of title 46, United States Code, is amended—

(1) by striking ''2 cents per ton (but not more than a total of 10 cents per ton per year)'' in subsection (a) and inserting ''4.5 cents per ton, not to exceed a total of 22.5 cents per ton per year, for fiscal years 2006 through 2010, and 2 cents per ton, not to exceed a total of 10 cents per ton per year, for each fiscal year thereafter,''; and

(2) by striking ''6 cents per ton (but not more than a total of 30 cents per ton per year)'' in subsection (b) and inserting ''13.5 cents per ton, not to exceed a total of 67.5 cents per ton per year, for fiscal years 2006 through 2010, and 6 cents per ton, not to exceed a total of 30 cents per ton per year, for each fiscal year thereafter,''.

(b) REPEAL OF SUPERSEDED AMENDMENTS.—Section 4001 of the Deficit Reduction Act of 2005 (Public Law 109–171) is repealed.

SEC. —206. AMENDMENTS BASED ON PUBLIC LAW 109–241.

(a) AMENDMENTS.—Title 46, United States Code, is amended as follows:

(1) Section 12111 is amended by adding at the end the following:

''(d) ACTIVITIES INVOLVING MOBILE OFFSHORE DRILLING UNITS.—

''(1) IN GENERAL.—Only a vessel for which a certificate of documentation with a registry endorsement is issued may engage in—

''(A) the setting, relocation, or recovery of the anchors or other mooring equipment of a mobile offshore drilling unit that is located over the outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a))); or

''(B) the transportation of merchandise or personnel to or from a point in the United States from or to a mobile offshore drilling unit located over the outer Continental Shelf that is not attached to the seabed.

''(2) COASTWISE TRADE NOT AUTHORIZED.—Nothing in paragraph (1) authorizes the employment in the coastwise trade of a vessel that does not meet the requirements of section 12112 of this title.''.

(2) Section 12139(a) is amended by striking ''and charterers'' and inserting ''charterers, and mortgagees''.

(3) Section 51307 is amended—

(A) by striking ''and'' at the end of paragraph (2);

(B) by striking ''organizations.'' in paragraph (3) and inserting ''organizations; and''; and

(C) by adding at the end the following:

''(4) on any other vessel considered by the Secretary to be necessary or appropriate or in the national interest.''.

(4) Section 55105(b)(3) is amended by striking ''Secretary of the department in which the Coast Guard is operating'' and inserting ''Secretary of Homeland Security''.

(5) Section 70306(a) is amended by striking ''Not later than February 28 of each year, the Secretary shall submit a report'' and inserting ''The Secretary shall submit an annual report''.

(6) Section 70502(d)(2) is amended to read as follows:

''(2) RESPONSE TO CLAIM OF REGISTRY.—The response of a foreign nation to a claim of registry under paragraph (1)(A) or (C) may be made by radio, telephone, or similar oral or electronic means, and is proved conclusively by certification of the Secretary of State or the Secretary's designee.''.

(b) REPEAL OF SUPERSEDED AMENDMENTS.—Sections 303, 307, 308, 310, 901(q), and 902(o) of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109–241) are repealed.

SEC. —207. AMENDMENTS BASED ON PUBLIC LAW 109–364.

(a) UPDATING OF CROSS REFERENCES.—Section 1017(b)(2) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364, 10 U.S.C. 2631 note) is amended by striking ''section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883), section 12106 of title 46, United States Code, and section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)'' and inserting ''sections 12112, 50501, and 55102 of title 46, United States Code''.

(b) SECTION 51306(e).—

(1) IN GENERAL.—Section 51306 of title 46, United States Code, is amended by adding at the end the following:

''(e) ALTERNATIVE SERVICE.—

''(1) SERVICE AS COMMISSIONED OFFICER.—An individual who, for the 5-year period following graduation from the Academy, serves as a commissioned officer on active duty in an armed force of the United States or as a commissioned officer of the National Oceanic and Atmospheric Administration or the Public Health Service shall be excused from the requirements of paragraphs (3) through (5) of subsection (a).

''(2) MODIFICATION OR WAIVER.—The Secretary may modify or waive any of the terms and conditions set forth in subsection (a) through the imposition of alternative service requirements.''.

(2) APPLICATION.—Section 51306(e) of title 46, United States Code, as added by paragraph (1), applies only to an individual who enrolls as a cadet at the United States Merchant Marine Academy, and signs an agreement under section 51306(a) of title 46, after October 17, 2006.

(c) SECTION 51306(f).—

(1) IN GENERAL.—Section 51306 of title 46, United States Code, is further amended by adding at the end the following:

''(f) SERVICE OBLIGATION PERFORMANCE REPORTING REQUIREMENT.—

''(1) IN GENERAL.—Subject to any otherwise applicable restrictions on disclosure in section 552a of title 5, the Secretary of Defense, the Secretary of the department in which the Coast Guard is operating, the Administrator of the National Oceanic and Atmospheric Administration, and the Surgeon General of the Public Health Service—

''(A) shall report the status of obligated service of an individual graduate of the Academy upon request of the Secretary; and

''(B) may, in their discretion, notify the Secretary of any failure of the graduate to perform the graduate's duties, either on active duty or in the Ready Reserve component of their respective service, or as a commissioned officer of the National Oceanic and Atmospheric Administration or the Public Health Service, respectively.

''(2) INFORMATION TO BE PROVIDED.—A report or notice under paragraph (1) shall identify any graduate determined to have failed to comply with service obligation requirements and provide all required information as to why such graduate failed to comply.

''(3) CONSIDERED AS IN DEFAULT.—Upon receipt of such a report or notice, such graduate may be considered to be in default of the graduate's service obligations by the Secretary, and subject to all remedies the Secretary may have with respect to such a default.''.

(2) APPLICATION.—Section 51306(f) of title 46, United States Code, as added by paragraph (1), does not apply with respect to an agreement entered into under section 51306(a) of title 46, United States Code, before October 17, 2006.

(d) SECTION 51509(c).—Section 51509(c) of title 46, United States Code, is amended—

(1) by striking ''MIDSHIPMAN AND'' in the subsection heading and ''midshipman and'' in the text; and

(2) inserting ''or the Coast Guard Reserve'' after ''Reserve)''.

(e) SECTION 51908(a).—Section 51908(a) of title 46, United States Code, is amended by striking ''under this chapter'' and inserting ''by this chapter or the Secretary of Transportation''.

(f) SECTION 53105(e)(2).—Section 53105(e)(2) of title 46, United States Code, is amended by striking ''section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802),'' and inserting ''section 50501 of this title''.

(g) REPEAL OF SUPERSEDED AMENDMENTS.—Sections 3505, 3506, 3508, and 3510(a) and (b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) are repealed.

SEC. —208. MISCELLANEOUS AMENDMENTS.

(a) DELETION OF OBSOLETE REFERENCE TO CANTON ISLAND.—Section 55101(b) of title 46, United States Code, is amended—

(1) by inserting ''or'' after the semicolon at the end of paragraph (2);

(2) by striking paragraph (3); and

(3) by redesignating paragraph (4) as paragraph (3).

(b) IMPROVEMENT OF HEADING.—Title 46, United States Code, is amended as follows:

(1) The heading of section 55110 is amended by inserting ''**valueless material or**'' before ''**dredged material**''.

(2) The item for section 55110 in the analysis for chapter 551 is amended by inserting ''valueless material or'' before ''dredged material''.

(c) OCEANOGRAPHIC RESEARCH VESSELS AND SAILING SCHOOL VESSELS.—

(1) Section 10101(3) of title 46, United States Code, is amended by inserting ''on an oceanographic research vessel'' after ''scientific personnel''.

(2) Section 50503 of title 46, United States Code, is amended by striking ''An oceanographic research vessel'' and all that follows and inserting the following:

''(a) DEFINITIONS.—In this section, the terms 'oceanographic research vessel' and 'scientific personnel' have the meaning given those terms in section 2101 of this title.

''(b) NOT SEAMEN.—Scientific personnel on an oceanographic research vessel are deemed not to be seamen under part G of subtitle II, section 30104, or chapter 303 of this title.

''(c) NOT ENGAGED IN TRADE OR COMMERCE.—An oceanographic research vessel is deemed not to be engaged in trade or commerce.''.

(3) Section 50504(b)(1) of title 46, United States Code, is amended by striking ''parts B, F, and G of subtitle II'' and inserting ''part B, F, or G of subtitle II, section 30104, or chapter 303''.

SEC. —209. APPLICATION OF SUNSET PROVISION TO CODIFIED PROVISION.

For purposes of section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Public Law 108–27, 26 U.S.C. 1 note), the amendment made by section 301(a)(2)(E) of that Act shall be deemed to have been made to section 53511(f)(2) of title 46, United States Code.

SEC. —210. ADDITIONAL TECHNICAL CORRECTIONS.

(a) AMENDMENTS TO TITLE 46.—Title 46, United States Code, is amended as follows:

(1) The analysis for chapter 21 is amended by striking the item relating to section 2108.

(2) Section 12113(g) is amended by inserting ''and'' after ''Conservation''.

(3) Section 12131 is amended by striking ''commmand'' and inserting ''command''.

(b) AMENDMENTS TO PUBLIC LAW 109–304.—

(1) AMENDMENTS.—Public Law 109–304 is amended as follows:

(A) Section 15(10) is amended by striking ''46 App. U.S.C.'' and inserting ''46 U.S.C. App.''.

(B) Section 15(30) is amended by striking ''Shipping Act, 1936'' and inserting ''Shipping Act, 1916''.

(C) The schedule of Statutes at Large repealed in section 19, as it relates to the Act of June 29, 1936, is amended by—

(i) striking the second section ''1111'' (relating to 46 U.S.C. App. 1279f) and inserting section ''1113''; and

(ii) striking the second section ''1112'' (relating to 46 U.S.C. App. 1279g) and inserting section ''1114''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective as if included in the enactment of Public Law 109–304.

(c) REPEAL OF DUPLICATIVE OR UNEXECUTABLE AMENDMENTS.—

(1) REPEAL.—Sections 9(a), 15(21) and (33)(A) through (D)(i), and 16(c)(2) of Public Law 109–304 are repealed.

(2) INTENDED EFFECT.—The provisions repealed by paragraph (1) shall be treated as if never enacted.

(d) LARGE PASSENGER VESSEL CREW REQUIREMENTS.—Section 8103(k)(3)(C)(iv) of title 46, United States Code, is amended by inserting ''and section 252 of the Immigration and Nationality Act (8 U.S.C. 1282)'' after ''of such section''.

AMENDMENT NO. 3103, AS MODIFIED

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

SEC. 1070. PILOT PROGRAM ON COMMERCIAL FEE-FOR-SERVICE AIR REFUELING SUPPORT FOR THE AIR FORCE.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Air Force shall, commencing as soon as practicable after the date of the enactment of this Act, conduct a pilot program to assess the feasability and advisability of utilizing commercial fee-for-service air refueling tanker aircraft for Air Force operations.

(b) PURPOSE.—

(1) IN GENERAL.—The purpose of the pilot program required by subsection (a) is to support, augment, or enhance the air refueling mission of the Air Force by utilizing commercial air refueling providers on a fee-for-service basis.

(2) ELEMENTS.—In order to achieve the purpose of the pilot program, the pilot program shall—

(A) demonstrate and validate a comprehensive strategy for air refueling on a fee-for-service basis by utilizing all appropriate aircraft in mission areas including testing support, training support to receivers, homeland defense support, deployment support, air bridge support, aeromedical evacuation, and emergency air refueling; and

(B) integrate fee-for-service air refueling described in paragraph (1) into Air Mobility Command operations.

(c) COMPETITIVE PROVIDERS.—The pilot program shall include the services of not more than three commercial air refueling providers selected by the Secretary for the pilot program utilizing competitive procedures.

(d) MINIMUM NUMBER OF AIRCRAFT.—Each provider selected for the pilot program shall utilize no fewer than two air refueling aircraft in participating in the pilot program.

(e) AIRCRAFT UTILIZATION.—The pilot program shall provide for a minimum of 1,200 flying hours per year per air refueling aircraft participating in the pilot program.

(f) DURATION.—The period of the pilot program shall be not less than five years after the commencement of the pilot program.

(g) REPORT.—The Secretary of the Air Force shall provide to the congressional defense committees an annual report on the fee-for-service air refueling program to include:

(1) missions flown;

(2) missions areas supported;

(3) aircraft number, type, model series supported;

(4) fuel dispersed;

(5) departure reliability rates; and

(6) any other data as appropriate for evaluating performance of the commercial air refueling providers.

AMENDMENT NO. 3107

(Purpose: To modify the purposes for which the Naval Aviation Museum Foundation at the National Museum of Naval Aviation at Naval Air Station, Pensacola, Florida, may operate the National Flight Academy)

On page 508, between lines 3 and 4, insert the following:

SEC. 2854. MODIFICATION OF LEASE OF PROPERTY, NATIONAL FLIGHT ACADEMY AT THE NATIONAL MUSEUM OF NAVAL AVIATION, NAVAL AIR STATION, PENSACOLA, FLORIDA.

Section 2850(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–428)) is amended—

(1) by striking ''naval aviation and'' and inserting ''naval aviation,''; and

(2) by inserting before the period at the end the following: '', and, as of January 1, 2008, to teach the science, technology, engineering, and mathematics disciplines that have an impact on and relate to aviation''.

AMENDMENT NO. 3082, AS MODIFIED

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

SEC. 214. GULF WAR ILLNESSES RESEARCH.

(a) FUNDING.—

(1) ADDITIONAL AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation, Army $15,000,000, may be allocated to Medical Advanced Technology (PE #0603002A) for the Army to carry out, as part of its Congressionally Directed Medical Research Programs, a program for Gulf War Illnesses Research.

(b) PURPOSE.—The purpose of the program may be to develop diagnostic markers and treatments for the complex of symptoms commonly known as ''Gulf War Illnesses (GWI)'', including widespread pain, cognitive impairment, and persistent fatigue in conjunction with diverse other symptoms and abnormalities, that are associated with service in the Southwest Asia theater of operations in the early 1990s during the Persian Gulf War.

(c) PROGRAM ACTIVITIES.—

(1) Highest priority under the program shall be afforded to pilot and observational studies of treatments for the complex of symptoms described in subsection (b) and comprehensive clinical trials of such treatments that have demonstrated effectiveness in previous past pilot and observational studies.

(2) Secondary priority under the program may be afforded to studies that identify objective markers for such complex of symptoms and biological mechanisms underlying such complex of symptoms that can lead to the identification and development of such markers and treatments.

(3) No study shall be funded under the program that is based on psychiatric illness and psychological stress as the central cause of such complex of symptoms (as is consistent with current research findings).

(d) COMPETITIVE SELECTION AND PEER REVIEW.—The program shall be conducted using competitive selection and peer review for the identification of activities having the most substantial scientific merit, utilizing individuals with recognized expertise in Gulf War illnesses in the design of the solicitation and in the scientific and programmatic review processes.

AMENDMENT NO. 2325, AS MODIFIED

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

SEC. ___. PROVISIONS RELATING TO THE REMOVAL OF MISSILES FROM THE 564TH MISSILE SQUADRON.

(a) The Secretary of Defense shall submit to the Congressional Defense Committees a report on the feasibility of establishing an association between the 120th Fighter Wing of the Montana Air National Guard and active duty personnel stationed at Malmstrom Air Force Base, Montana. In making such assessment, the Secretary shall consider:

(1) An evaluation of the Air Force's requirement for additional F–15 aircraft active or reserve component force structure.

(2) An evaluation of the airspace training opportunities in the immediate airspace around Great Falls International Airport Air Guard Station.

(3) An evaluation of the impact of civilian operations on military operations at the Great Falls International Airport.

(4) An evaluation of the level of civilian encroachment on the facilities and airspace of the 120th Fighter Wing.

(5) An evaluation of the support structure available, including active military bases nearby.

(6) Opportunities for additional association between the Montana National Guard and the 341st Space Wing.

(b) Not more than 40 missiles may be removed from the 564th Missile Squadron until 15 days after the report required in subsection (a) has been submitted.

AMENDMENT NO. 2897, AS MODIFIED

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

SEC. 1070. ESTABLISHMENT OF JOINT PATHOLOGY CENTER.

(a) ESTABLISHMENT.—The Secretary of Defense may, to the extent consistent with the final recommendations of the 2005 Defense Base Closure and Realignment Commission as approved by the President, establish a Joint Pathology Center located at the National Naval Medical Center in Bethesda, Maryland, that shall function as the reference center in pathology for the Department of Defense.

(b) SERVICES.—The Joint Pathology Center, if established, shall provide, at a minimum, the following services:

(1) Diagnostic pathology consultation.

(2) Pathology education, to include graduate medical education, including residency and fellowship programs, and continuing medical education.

(3) Diagnostic pathology research.

(4) Maintenance and continued modernization of the Tissue Repository and, as appropriate, utilization of such Repository in conducting the activities described in paragraphs (1) through (3).

AMENDMENT NO. 2068, AS MODIFIED

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

SEC. 1517. REPORTS ON MITIGATION OF EFFECTS OF EXPLOSIVELY FORMED PROJECTILES AND MINES.

(a) REPORT ON EXPLOSIVELY FORMED PROJECTILES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 60 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report, in both classified and unclassified forms, on explosively formed projectiles.

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

(A) A comprehensive plan of action for improving capabilities to mitigate the effects of explosively formed projectiles (EFPs), including the development of technologies, training programs, tactics, techniques, and procedures, and an estimate of the funding required to execute the plan.

(B) Detailed descriptions of the effectiveness of any fielded EFP mitigation technologies, training programs, tactics, techniques, and procedures, and ways in which they could be improved.

(C) A description of the individual projects that comprise the plan of action.

(D) A schedule for completing and fielding each project.

(E) The contract delivery dates, progress towards completion, and forecast completion date for each project.

(F) A comprehensive description of any deviation from contract terms and an explanation of any cost and schedule variance and how such variance affects fielding deliverables, and a plan for addressing such deviations and variances.

(G) Recommendations for additional authorities, which if provided to the Secretary, would improve the ability of the Department of Defense to rapidly field counter EFP capabilities and protection against the effects of EFPs.

(H) An analysis of any industrial base issues affecting the plan outlined under subparagraph (A).

(I) Mechanisms for sharing counter EFP capabilities with appropriate coalition partners.

(J) The most current available data on the effects of EFPs on United States, coalition, and allied forces in Iraq and Afghanistan.

(b) REPORT ON MINE RESISTANT AMBUSH PROTECTED VEHICLES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on Mine Resistant Ambush Protected (MRAP) vehicles.

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

(A) The total requirement of all military services for MRAP vehicles, including MRAP I, spiral upgrades, and MRAP II variants.

(B) A comprehensive plan for transporting and fielding all variants to the United States Central Command (CENTCOM) area of operations.

(C) An assessment of completed production, transportation, and fielding of MRAP vehicles and a forecast of future production, transportation, and fielding functions.

(D) An explanation of any deviation between the planned and actual numbers of vehicles fielded for the reporting period.

(E) Funding required to execute production, transportation, and fielding, and an analysis of any industrial base issues affecting such functions.

(F) The required delivery schedule for each contract to procure MRAP vehicles.

(G) A comprehensive description and explanation of cost and schedule variance, and any deviation from contract terms, how that variance or deviation affects overall program performance, and corrective actions planned to address such variance and deviation.

(H) Recommendations for additional authorities, which if provided to the Secretary, would improve the ability of the Department of Defense to rapidly field MRAP vehicles.

(I) Plans for armor upgrades, and their impact on automotive performance and sustainment.

(J) An explanation of any safety issues or limitations on the vehicles.

(K) Anticipated short and long term sustainment issues, including an explanation of the maintenance concept for sustainment after the initial contractor logistic support period and the projected annual funding required.

(L) A detailed description of MRAP program costs, including research and development, procurement, maintenance, logistics, and end to end transportation costs.

(c) REPORT ON TACTICAL WHEELED VEHICLES STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the near and long term tactical wheeled vehicle fleet modernization strategies of the Army and Marine Corps.

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

(A) A description of the impact of the Mine Resistant Ambush Protected vehicle program on the current acquisition strategies and procurement plans of the Army and Marine Corps for the tactical wheeled vehicle fleet, including inventory mix, overall sustainment cost, and logistical and industrial base issues.

(B) Plans for the Joint Light Tactical Vehicle program, including an assessment of the continued validity of previously adopted Key Performance Parameters.

(C) A science and technology investment strategy, including a description of current technical barriers, near and long term technology objectives, coordination of activities of the various military departments, Defense Agencies, and commercial industry entities, and technology demonstration and transition plans to support the Long Term Armoring Strategy (LTAS).

(D) A strategy to fund and execute sufficient developmental and operational test and evaluation to ensure that deployed systems are operationally effective, including a description of the role of the Director of Operational Test and Evaluation in the development and execution of the Long Term Armoring Strategy.

(E) Plans to utilize the Army reset and recapitalization process to maintain the legacy tactical wheeled vehicle fleet.

(d) REPORT ON LONG TERM ARMORING STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report, in classified and unclassified forms, on the Long Term Armoring Strategy of the Army and Marine Corps.

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

(A) An estimate of the funding required to execute the strategy.

(B) Specific plans for balancing force protection, payload, performance, and deployability requirements across the range of wheeled vehicle variants.

(C) A science and technology investment strategy, including a description of current technical barriers, near and long term technology objectives, coordination of activities of the various military departments, Defense Agencies, and commercial industry entities, and technology demonstration and transition plans.

(D) A test and evaluation master plan, including a description of the role of the Director of Operational Test and Evaluation in the development and execution of LTAS.

(E) An analysis of industrial base or manufacturing issues related to achieving sufficient and sustainable production rates.

AMENDMENT NO. 3112

(Purpose: To express the sense of the Senate on the Air Force Logistics Center)

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

SEC. 342. SENSE OF SENATE ON THE AIR FORCE LOGISTICS CENTERS.

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

(1) Air Force Air Logistics Centers have served as a model of efficiency and effectiveness in providing integrated sustainment (depot maintenance, supply management, and product support) for fielded weapon systems within the Department of Defense. This success has been founded in the integration of these dependent processes.

(2) Air Force Air Logistics Centers have embraced best practices, technology changes, and process improvements, and have successfully managed increased workload while at the same time reducing personnel.

(3) Air Force Air Logistics Centers continue to successfully sustain an aging aircraft fleet that is performing more flying hours, with less aircraft, than at any point in the last thirty years.

(4) The purpose of the Global Logistics Support Center is to apply an enterprise approach to supply chain management to eliminate redundancies and improve efficiencies across the Air Force in order to best provide capable aircraft to the warfighter.

(5) The Air Force is working diligently to identify means to create further efficiencies in the Air Force logistics network.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Air Force should work closely with Congress as the Air Force continues to develop and implement the Global Logistics Support Center concept.

AMENDMENT NO. 3032, AS MODIFIED

On page 91, between lines 13 and 14, insert the following:

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on a date elected by the Secretary of Defense, which date may not be earlier than the date that is one year after the date of the enactment of this Act. The Secretary shall publish in the Federal Register notice of the effective date of the amendments made by this section, as so elected.

(2) REPORT.—Not later than the effective date elected under paragraph (1), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the recommendations of the Secretary regarding the following:

(A) The appropriate role and mission of the Reserve Forces Policy Board.

(B) The appropriate membership of the Reserve Forces Policy Board.

(C) The appropriate procedures to be utilized by the Reserve Forces Policy Board in its interaction with the Department of Defense.

AMENDMENT NO. 2905, AS MODIFIED

On page 114, between lines 4 and 5, insert the following:

SEC. 583. PILOT PROGRAM ON MILITARY FAMILY READINESS AND SERVICEMEMBER REINTEGRATION.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of providing assistance and support to the Adjutant General of a State or territory of the U.S. to create comprehensive soldier and family preparedness and reintegration outreach programs for members of the Armed Forces and their families to further the purposes described in section 1781b(b) of title 10, United States Code, as added by section 582(a) of this Act.

(2) COORDINATION.—In carrying out the pilot program, the Secretary shall—

(A) coordinate with the Department of Defense Military Family Readiness Council (established under section 1781a of title, United States Code, as added by section 581 of this Act); and

(B) consult with the Secretary of Veterans Affairs.

(3) DESIGNATION.—The pilot program established pursuant to paragraph (1) shall be known as the ''National Military Family Readiness and Servicemember Reintegration Outreach Program'' (in this section referred to as ''the pilot program'').

(b) ASSISTANCE PROVIDED.—The Secretary shall carry out the pilot program through assistance and support.

The Adjutant General of a State or territory of the United States.

(d) PURPOSE OF ASSISTANCE AND SUPPORT.—

(1) The pilot program may develop programs of outreach to members of the Armed Forces and their family members to educate such members and their family members about the assistance and services available to them that meet the purposes of section 1781b(b) of title 10, United States Code, as added by section 582(a) of this Act, and to assist such members and their family members in obtaining such assistance and services. Such assistance and services may include the following:

(A) Marriage counseling.

(B) Services for children.

(C) Suicide prevention.

(D) Substance abuse awareness and treatment.

(E) Mental health awareness and treatment.

(F) Financial counseling.

(G) Anger management counseling.

(H) Domestic violence awareness and prevention.

(I) Employment assistance.

(J) Development of strategies for living with a member of the Armed Forces with post traumatic stress disorder or traumatic brain injury.

(K) Other services that may be appropriate to address the unique needs of members of the Armed Forces and their families who live in rural or remote areas with respect to family readiness and servicemember reintegration.

(L) Assisting members of the Armed Forces and their families find and receive assistance with military family readiness and servicemember reintegration, including referral services.

(M) Development of strategies and programs that recognize the need for long-term follow-up services for reintegrating members of the Armed Forces and their families for extended periods following deployments, including between deployments.

(N) Assisting members of the Armed Forces and their families in receiving services and assistance from the Department of Veterans Affairs, including referral services.

(2) PROVISION OF OUTREACH SERVICES.—A recipient of a grant under this section shall carry out programs of outreach in accordance with paragraph (1) to members of the Armed Forces and their families before, during, between, and after deployment of such members of the Armed Forces.

(e) SELECTION OF GRANT RECIPIENTS.—

(1) APPLICATION.—An eligible entity seeking a grant under the pilot program shall submit to the Secretary an application therefor in such form and in such manner as the Secretary considers appropriate.

(2) ELEMENTS.—An application submitted under subparagraph (A) shall include such elements as the Secretary considers appropriate.

(3) PRIORITY.—In selecting eligible entities to receive grants under the pilot program, the Secretary shall give priority to eligible entities that propose programs with a focus on personal outreach to members of the Armed Forces and their families by trained staff (with preference given to veterans and, in particular, veterans of combat) conducted in person.

AMENDMENT NO. 3027, AS MODIFIED

At the end of title X, add the following:

SEC. 1070. REPORT ON FEASIBILITY OF ESTABLISHING A DOMESTIC MILITARY AVIATION NATIONAL TRAINING CENTER.

(a) IN GENERAL.—Not later than March 31, 2008, the Secretary of Defense shall submit to the congressional defense committees a report to determine the feasibility of establishing a Border State Aviation Training Center (BSATC) to support the current and future requirements of the existing RC–26 training site for counterdrug activities, located at the Fixed Wing Army National Guard Aviation Training Site (FWAATS), including the domestic reconnaissance and surveillance missions of the National Guard in support of local State, and Federal law enforcement agencies, provided that the activities to be conducted at the BSATC shall not duplicate or displace any activity or program at the C–26 training site or the FWAATS.

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

(1) examine the current and past requirements of RC–26 aircraft in support of local, State, and Federal law enforcement and determine the number of additional aircraft required to provide such support for each State that borders Canada, Mexico, or the Gulf of Mexico;

(2) determine the number of military and civilian personnel required to run a RC–26 domestic training center meeting the requirements identified under paragraph (1); and

(3) determine the requirements and cost of locating such a training center at a military installation for the purpose of preempting and responding to security threats and responding to crises; and

(4) include a comprehensive review of the number of intelligence, reconnaissance and surveillance platforms needed for the National Guard to effectively provide domestic operations and civil support (including homeland defense and counterdrug) to local, State, and Federal law enforcement and first responder entities.

(c) CONSULTATION.—In preparing the report required under subsection (a), the Secretary of Defense shall consult with the Adjutant General of each State that borders Canada, Mexico, or the Gulf of Mexico, the Adjutant General of the State of West Virginia, and the National Guard Bureau.

AMENDMENT NO. 2905

Mr. SUNUNU. Madam President, I rise today in favor of the Sanders amendment, No. 2905, to the Department of Defense authorization bill, which would establish a pilot program aimed at providing essential care and services to National Guard soldiers returning home from duty.

Back in the fall of 2004, the New Hampshire National Guard was one of the first Guard units to recognize the unique difficulties encountered by guardsmen and women returning from combat operations in Iraq and Afghanistan. In response, the Guard led the way in addressing these concerns by establishing its own reunion and reentry program, which employs innovative solutions to cope with the difficult transition to life at home.

Under the reentry program, soldiers and their families receive multiple counseling sessions and an introduction to the array of services available to them within the first 36 hours of returning home. The program works to ensure that servicemembers and their families recognize that they are not alone and that the Guard is committed to providing the care and assistance they need after returning from deployment.

This program has proven to be enormously successful, and has become a model for other States, due in part because it removes the burden of seeking and requesting care from the individual soldier. I am proud of the leadership role New Hampshire's National Guard has taken in combating this very serious problem.

I am pleased the Senate adopted the Sanders amendment to provide support that will allow other States to establish programs similar to New Hampshire's.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, at this juncture, I think the Senator from Michigan and I might commend our staffs for doing a lot of diligent work through a good part of the weekend to achieve this package of amendments. I think this adds up to about 180 amendments we have done now. So much of that work is done by our magnificent professional staff, many of whom have been on the Armed Services Committee for numbers of years.

Mr. LEVIN. Mr. President, I thank my good friend, Senator WARNER, for that suggestion. This is a good moment to do that before we have a vote later on the bill. Our staffs, as always, put in an amazing amount of time—in the evenings, mornings, over weekends—in order for us to get through hundreds of amendments.

Actually, the Senator is right. I think there were 180 cleared amendments and about 35 amendments that

have been disposed of separately one way or another.

Mr. WARNER. Mr. President, over 180 amendments.

Mr. LEVIN. So I do not know if we set a record because my good friend from Virginia probably is the record-holder—and probably more than once. But, I say to the Senator, we are going to try to get to where you have been. We are going to try harder.

Mr. WARNER. Well, where have you been?

Mr. LEVIN. With you every time. But when you were chairman and you—

Mr. WARNER. We have both been chairman of this committee, Mr. President, three times.

Mr. LEVIN. One time each, I think, for 18 days.

But, in any event, I thank our staffs.

I thank my friend for raising this issue.

Mr. WARNER. Mr. President, I thank the indulgence of our distinguished Presiding Officer and suggest the absence of a quorum.

I withhold the request.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I, too, join in thanking our chairman and ranking member, Senator LEVIN and Senator WARNER, for all of their cooperation during the consideration of a number of amendments we have offered these past days. It is typical of their service and their thoughtfulness. They are serious legislators. We are fortunate to have them dealing with these issues of such importance and consequence for our national security. I am grateful to them both.

I wish to take a few moments.

Mr. WARNER. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. Yes.

Mr. WARNER. Mr. President, the Senator from Massachusetts has been on this committee for more than two decades, and there is no one who works harder and more diligently. I wish there were more programs on which we had a concurrence of philosophy and policy, but nevertheless I say to the Senator, you are a very prodigious worker.

Mr. KENNEDY. Mr. President, I thank the Senator.

Mr. LEVIN. Mr. President, if I could add one word on that subject, the Senator from Massachusetts is not only about as diligent a Senator as one can imagine, but he has had great success on this particular bill. I do not know how he manages to keep all the balls in the air that he does, including the CHIP program, immigration, and so many other issues. But he has had an extraordinary success on this particular bill, and it is a real tribute to him—this bill—for many reasons.

Mr. KENNEDY. Mr. President, I thank the Senator.

Mr. President, as was described earlier on the floor with the chairman of the committee, on last Friday, there are important provisions dealing with refugees, particularly the select refugees who have been the ones who have been so associated with the American effort in Iraq.

We have differences in this body on the overall policy in Iraq, but I think all of us admire those extraordinary individuals who worked, in many instances, as translators for the American servicemen and risked their lives. Many of them lost their lives in this effort. A number of others who had worked with American forces now have their lives threatened, for which there is a sense of urgency. The amendment was accepted by both Senator LEVIN and Senator WARNER. We are hopeful it will result in saving lives. Also, there are individuals who, by their religious beliefs, were being persecuted as well.

So this was a small amendment, but it will make a big difference. I thank them for their help and assistance on that amendment and a number of other items on our hate crimes legislation, and others.

AMENDMENT NO. 3058

Mr. President, one of the pending amendments is the amendment offered by Senator MIKULSKI and myself, and that is an amendment that affects workers. In this case, we are talking about Defense Department workers. Of those 640,000 Defense Department workers, we are talking about a third of those workers who have proudly served in the Armed Forces of our country. They have worn the uniform of our country, acquired various skills, and then have come back and now are serving in the Defense Department in a wide variety of areas—in information and information technologies, in supplies, in technology and safety equipment—a wide variety of areas. They are using their skills—which they had—their patriotism, their dedication to service to this country and are doing so with great skill and determination.

It means a lot to those who are in the Armed Forces to know they have a backup, first of all by their families, but secondly by skilled men and women who are going to make sure they have the best in technology, the best in terms of equipment, and that they are going to be able to do their job in the way they were trained. Those are the Defense Department employees.

Now, we have found in recent times as to those employees that their futures have been put at risk. They have been put at risk because of a change in the rules and regulations for what they call outsourcing, the bidding for various contracts. These workers are highly skilled, highly professional, and they are prepared to compete on a level playing field with any group of workers—public or private sector—and do so, and do so well, do it skillfully, and also do it in a way that is going to save the American taxpayer resources. But what is added to the bid in various contracts is the fact that these Federal employees have health insurance and also have some retirement benefits.

In this country now we are facing a health care crisis. We hear Democratic candidates for President talk about it, Republican candidates talk about it, business leaders, leaders of the trade union movement talk about it. We were spending $1.3 trillion 6 years ago; we are now spending $2.3 trillion. We have increased the spending by $1 trillion, and 8 million Americans have lost their health insurance—8 million. It would be more than that if we didn't have the SCHIP program. That is another issue for another time, when it will be more than that.

So we are in real danger of seeing middle-class families lose both their retirement in terms of their pensions, as well as their health insurance. Now we have the regulations of the Department of Defense that are accelerating that. Effectively, what they are saying is, if we have good competition between the government bid and the private bid, the fact that we have health insurance and retirement, it is going to make the total cost somewhat higher and therefore the award will go to the private bid. This is sending a powerful message to these private contractors: Don't even think of providing any services, health care, for the families of your workers. Don't think about retirement. Don't think about anything because you can win contracts against those who are working in the Defense Department who are providing those benefits. That is basically unfair.

This competition ought to be for the cost of providing the services. Who can do that more efficiently? We don't want to rush to the bottom—a race to the bottom—and that is what we are having at this time, and that is wrong. That is wrong, and it is unfair. If we continue that, we are going to find out we are going to have not tens of thousands, but we are going to have hundreds of thousands of people who are going to see that their insurance is lost.

This isn't just the employees. If we look at the private contractor, one private contractor was going for a bid, another was bidding for it, and at the present time, if that were the circumstance today, the responsible contractor who is looking out for their employees with health insurance for the families and with a retirement program, they would be somewhat higher than the cost of providing service by the irresponsible contractor, and they would lose out. So it isn't only the workers who are working in the Defense Department but also responsible contractors who are providing services for their employees and who respect their employees.

If we don't accept this amendment, we are going to see a continuing rush to the bottom where it is going to be virtually impossible to get these independent contractors to provide any of the kinds of services to these families who are working in this country. That isn't what we ought to have in terms of the Defense Department rules.

Finally, as I pointed out earlier, but it is worth mentioning again, some of the other provisions that basically work for the unfairness of those who are working in the Defense Department. If there is an unfair decision, the private contractors can appeal that, but the workers over here cannot. That isn't fair. This amendment is about fairness, treating people fairly.

Renew a contract without recompetition, they can do that. Private contractors can do it, but if the Federal workers have that contract, they can't do it. We find out for the most competitive bid, there are administrative rules and regulations that prohibit Federal employees from getting the lowest competitive bid. They know how to do it, they want to do it; nonetheless, they are denied the opportunity to do it.

Then we have these quotas that are set by OMB, which is not right. They establish so many contractors and so much is virtually prohibited, but it has grown into a practice at the present time.

So this amendment is very much about fairness. It is about how we are going to treat people who are part of the whole Defense establishment. And they are these workers, and they are indispensable. A great percentage of them have been a part of the military and have served with great distinction for many years. They want to continue that sense of patriotism, continue that sense of service, continue that sense of giving. The men and women who are in the Armed Forces know they can rely on the quality of the work that the individuals do because these individuals are highly motivated, highly trained, have been in the service, many of them have served for many years, come out of the service, have skills, and say: What I would like to do for the rest of my career is to be able to continue to give support to those who are on the front lines, and they do it. They do it with great distinction, and they do it with great expertise and with extraordinary patriotism.

All they are asking for is to have a fair system, to give them a fair shake. Give them some respect. Give them the respect they deserve, that they should have. Give some respect for their families as well.

So I hope very much we will have good support for this amendment. As I mentioned earlier in those particular provisions that we put up about disparities between the private contractors and the employees, we have had strong bipartisan support for just about every one of those provisions, but they have been put on appropriations in the past, and therefore at the time the appropriation expires, these provisions expire. Now we are back to try to revisit this once again. So there is a strong and compelling reason for this amendment.

I thank Senator LIEBERMAN and so many of our cosponsors, including Senator MIKULSKI who has spoken so well and who has been such a strong advocate, and so many of our colleagues who have supported the different provisions on both sides of the aisle. Hopefully, we will have a strong vote in an hour from now for those workers.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. MCCASKILL. Mr. President, I rise to support the Kennedy amendment because, frankly, it makes fiscal sense. There has been in this administration a rush to contract. They never saw any function of government that somehow they didn't believe would be better off in the private sector. I am not opposed to privatization just for the sake of being opposed to privatization. I have no problem with contracting, if it is going to save taxpayers' money and we are still going to get quality work on behalf of taxpayers from those contractors working in government. But if we have learned anything over the last 6 years, we have learned that you don't always get a good deal when you contract.

I know we have spent a lot of time talking over the last few weeks about the contracting that went on in Iraq, and I will not dwell on that here, but it is exhibit A of how badly government sometimes does in the name of saving money when it enters into private contracts.

So what this amendment says is pretty simple, and it is kind of what auditors say over and over again until people want us to be quiet; that is, compete, compete, compete. Not only should these contracts be competitive among potential contractors, they must be competitive with the government workers who are currently doing the work. There have been many examples of where, in the name of saving money, someone was hired to do the job, and it ended up costing us more than had the government employees remained on the job. That is just the basics of this amendment.

This is nothing new. This has been in a number of Defense appropriations bills, and it is in effect for the Department of Defense. The A–76 rule, which this is called, is now currently the law within the Department of Defense. This will extend it, codify it, make it uniform across the Federal Government. If you are going to contract out, then the employees have a right to participate in that competition. And if the employees of government can show they can do the job, as they have been doing, and they can do it for less money than the private contractor, then they should get the award in that particular competition.

This is a way to not only make sure we are not getting rid of the expertise we have in government, it is also a way to reinforce how important competition is. We have had competitions that have masqueraded as real competitions in this administration a number of times. This will make sure we are getting the best value for that very precious taxpayer dollar. They are going to have to demonstrate that the contract is going to save money in order for the contract to be put out to a private entity as opposed to government employees.

I think it is a very solid amendment in terms of watching out for taxpayer money. I know it is characterized that this is to protect government employees. It is not. It is called protecting taxpayers' money. That is why I think this amendment is so important. That is why I hope my colleagues will join together to strike another blow on behalf of fiscal accountability and making sure we treat taxpayers' money with respect and deference and making sure we are spending it very wisely.

I yield the floor.

Mr. LEVIN. Mr. President, I wish to rise in support of the pending amendment by Senator KENNEDY on public-private competition. Sometimes this amendment is described as the Kennedy-Mikulski or the Mikulski-Kennedy amendment. Both Senators deserve a great deal of credit for their support.

The Department of Defense has allowed its workforce of civilian employees to atrophy to the point of a human capital crisis. Since fiscal year 2000, the number of contractor employees under DOD service contracts has roughly doubled, while the number of DOD civilian employees has remained virtually unchanged. As a result, the Department of Defense has found in area after area—acquisition management, financial management, even security and intelligence—it must now rely upon contractors to perform functions that were formerly performed by Federal employees.

These adverse trends have been exacerbated by an administration that has consistently pushed to have more Federal work performed in the private sector. In 2001, the Office of Management and Budget established a goal of subjecting half of the work performed by Federal employees to private sector competition within 4 years. While the administration subsequently backed off of this Government-wide goal, OMB continues to establish agency-specific goals, and to grade agencies on their performance in converting work to private sector performance.

The Kennedy-Mikulski amendment would end this artificial effort to drive contracts to the private sector by codifying a commonsense set of rules that govern competition between Federal employees and private contractors.

Some of these rules have already been enacted through appropriations acts in previous Congresses. The Kennedy-Mikulski amendment would make these rules permanent law. Others have

already been enacted for the DOD. The Kennedy-Mikulski amendment would make these provisions Government-wide.

I wish to focus on one provision of the amendment which addresses a fundamental element of fairness in competition between the private and public sectors. OMB circular A–76, which governs public-private competitions, establishes rules for what happens after one side or the other wins a competition. If the private sector wins a competition, the work stays in the private sector forever. If the public sector wins, however, the work must be subject to a new competition within 5 years. Attachment B to OMB circular A–76 specifically states that if the public sector competitor wins a competition, ''an agency shall complete another . . . competition of the activity by the end of the last performance period'' in the performance agreement.

This rule is fundamentally unfair. It also undermines the morale of Federal civilian employees by contributing to the view of civil servants as second-class citizens. At a time when the Department of Defense should be recruiting thousands of new civilian employees to address a human capital crisis, the rule is clearly contrary to the Department's own interests.

The Kennedy-Mikulski amendment would address this problem by stating that OMB may not require the Department of Defense to conduct a new public-private competition within any specified period of time after the public sector wins a competition. That is the right answer. DOD's human capital policies should be driven by the Department's human capital needs—not by arbitrary policies established by the Office of Management and Budget. So I hope our colleagues will support the Kennedy-Mikulski amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, last week, the Senate adopted a historic amendment offered by Senators WEBB, MCCASKILL, and others, to establish an independent commission to review the many problems with fraud, waste, and abuse that have arisen in Iraq relative to contracting and to give us recommendations on how we can avoid similar problems in the future. I wish to commend the Senators that were involved in this effort for the leadership they showed in drafting this amendment and getting it adopted by the Senate.

The Department of Defense faces huge problems in its acquisition system today. Over the last few years, we have seen an alarming lack of acquisition planning across the Department; the excessive use of contracts that make open-ended commitments of DOD funds; and a pervasive failure to perform contract oversight and management functions necessary to protect taxpayers' interest. These problems have been particularly acute in Iraq and Afghanistan, but they are in no way limited to Iraq and Afghanistan.

The contracting commission established pursuant to the Webb-McCaskill amendment should help us identify the sources of these problems and provide us with constructive recommendations to avoid similar problems in the future.

In addition to the commission language adopted last week, there are significant acquisition reform measures already in this bill, as it came to the floor, that will make improvements in the DOD acquisition system and to wartime contracting. Taken together, these provisions will make the bill that is now before the Senate, by far, the most significant acquisition reform measure to be considered by Congress since the enactment of the Federal Acquisition Streamlining Act and the Federal Acquisition Reform Act more than 10 years ago.

For example, section 821 of the bill would require increased competition in large ''umbrella contracts'' awarded by the Department of Defense. The Senate Armed Services Committee held a hearing in April on the Department of Defense management of the $20 billion so-called LOGCAP contract, under which a company called KBR—until recently, a subsidiary of Halliburton—has provided services to U.S. troops in the field.

Here are some of the things we learned in our hearing:

The company was given work that appears to have far exceeded the scope of the contract; all of this added work was provided to the contractor without competition; the contractor resisted providing us with information that we needed to monitor and control costs; there were almost $2 billion of overcharges on the contract; and the contractor received highly favorable settlements on these overcharges.

When asked why the Army had waited 5 years to split the massive LOGCAP contract among multiple contractors, allowing for greater competition of the work to be performed under the contract, the Assistant Secretary of the Army for Acquisition, Technology, and Logistics gave the following answer: ''I don't have a good answer for you.''

The provision in our bill would avoid the kind of abuses we get in sole-source contracts by ensuring that future contracts of this type provide for the competition of task and delivery orders unless there is a compelling reason not to do so. If our language stays intact, we should never again see the kind of abuses which existed with the Halliburton-KBR umbrella contracts.

Similarly, section 871 of the bill would require tighter regulation and control over private security contractors operating in areas of combat operations. Over the last 4 years, there has been a number of reports of abuses by private security contractors operating in Iraq. There have been allegations, even films, of contractors shooting recklessly at civilians as they drive down the streets of Baghdad and other Iraqi cities. Some of these contractors work for the Department of Defense, but many others work for other Federal agencies or for contractors of other Federal agencies.

Most recently, the Iraqi Government has complained about an incident in which employees of Blackwater allegedly opened fire on innocent Iraqis in downtown Baghdad. According to published reports, Blackwater employees shot into a crush of cars, killing at least 11 Iraqis and wounding 12. Blackwater officials insist their guards were ambushed, but witnesses described this shooting as unprovoked, and Iraq's Interior Ministry has concluded that Blackwater was at fault.

Last week, the Washington Post reported that senior military officials are deeply concerned about this shoot-out and other similar incidents which could undermine our efforts to combat terrorists and insurgents in Iraq. This is what the Washington Post article reported:

''The military is very sensitive to its relationship that they've built with the Iraqis being altered or even severely degraded by actions such as this event''. . . .

''This is a nightmare,'' said a senior U.S. military official. ''We had guys who saw the aftermath, and it was very bad. This is going to hurt us badly. It may be worse than Abu Ghraib, and it comes at a time when we're trying to have an impact for the long term''. . . .

In interviews involving a dozen U.S. military and government officials, many expressed . . . concern over the shootings. . . .

''This is a big mess that I don't think anyone has their hands around yet,'' said another U.S. military official. ''It's not necessarily a bad thing these guys are being held accountable. Iraqis hate them, the troops don't particularly care for them, and they tend to have a know-it-all attitude, which means they rarely listen to anyone—even the folks that patrol the ground on a daily basis.''

''Their tendency is shoot first and ask questions later,'' said an Army lieutenant colonel serving in Iraq. Referring to the September 16 shootings, the officer added, ''None of us believe they were engaged, but we are all carrying their black eyes.''

''Many of my peers think Blackwater is oftentimes out of control,'' said a senior U.S. commander serving in Iraq. ''They often act like cowboys over here . . . not seeming to play by the same rules everybody else tries to play by.''

The provision in our bill would address this problem by ensuring that the Department of Defense and its combatant commanders are in a position to regulate the conduct of all armed contractors in the battle space, regardless of whether they are employed under contracts of the Department of Defense or other Federal agencies. Under the provision in our bill, private security contractors employed by any Federal agency or any contractor or subcontractor for a Federal agency would be

required for the first time to comply with DOD rules on the use of force and with orders, directions, and instructions issued by combatant commanders relating to force protection, security, health, safety, or relations and interaction with local nationals.

Other provisions in our bill would provide added protection for contractor employees who blow the whistle on fraud, waste, and abuse. They would require the DOD to conduct a comprehensive analysis of the billions of dollars it spends every year to purchase contract services. Our bill will tighten rules for the acquisition of major weapons systems; ensure that we get fair prices when we purchase spare parts for those weapons systems; enhance competition requirements for products purchased from Federal prison industries; and address abuses of undefinitized contract actions.

The root cause of these and all the other problems that we read and hear so much about, or at least most of the other problems, in the defense acquisition system is our failure to maintain an acquisition workforce with the resources and skills that are needed to manage the Department's acquisition system.

Earlier this year, the Acquisition Advisory Panel, chartered pursuant to the National Defense Authorization Act for fiscal year 2004, reported that ''curtailed investments in human capital have produced an acquisition workforce that often lacks the training and resources to function effectively.'' And they went on:

> The Federal Government does not have the capacity in its current acquisition workforce necessary to meet the demands that have been placed on it.

The failure of Department of Defense and other Federal agencies to adequately fund the acquisition workforce, the panel concluded, is '''penny-wise and pound-foolish,' as it seriously undermines the pursuit of the good value for the expenditure of public resources.''

Senior DOD officials have recognized the deficiencies in the defense acquisition workforce, but they have been unable to obtain significant funds that are needed to remedy the problem. Section 844 of our bill will address this issue by establishing an acquisition workforce development fund to enable the Department of Defense to increase the size and quality of its acquisition workforce. In the first year, we will provide roughly $500 million for this purpose. It is a large sum of money, but it is a small investment to ensure the proper expenditure of more than $200 billion of taxpayers' money every year.

We look forward to working with the House conferees after we pass our bill, hopefully this evening, to make these important provisions on acquisition reform and the acquisition workforce the law of the land.

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

The PRESIDING OFFICER (Ms. STABENOW). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. NELSON of Florida. Madam President, I want to speak on final passage of the bill. We are going to have that vote shortly. What is the parliamentary procedure we are in?

The PRESIDING OFFICER. The Senate is currently considering the Kennedy amendment to the bill.

Mr. NELSON of Florida. Madam President, if I may be recognized, I will use these remarks to tell the Senate that it has been a pleasure to work with the chairman of the full committee, Senator LEVIN, who has consistently given this Senator free rein as the chairman of the Strategic Subcommittee of the Armed Services Committee.

What it looked like last winter was that all the thorny issues of nuclear weapons and the follow-on nuclear weapons and the question of national missile defense, the strategic posture of the United States, would get us all wound up around the axle. But it didn't turn out that way, and I want to give credit to my colleague, Senator SESSIONS, the ranking member of our subcommittee, for working with me and the members of the committee in resolving these issues. What we worked out in subcommittee, basically, is what is in the bill.

Although the administration would like to go ahead and start building national missile defense sites in Eastern Europe, the fact is, they haven't even worked it out with the countries involved in Eastern Europe. So what we did was we put a fence around any funding other than the acquisition and the preparation of the land for such a site.

At the end of the day, there is going to have to be continued research and development should the need arise for locating those missiles in Eastern Europe because they are not the same version that is in the silos in Alaska. That is a three-stage version; this is a two-stage version. And it is not the same missile or rocket; therefore, it has to go through all of its subsequent testing.

Now, General Obering just had a successful test a couple of days ago, and for that we want to congratulate him, but if the threat is the Shahab missile from Iran shooting into Europe or into the United States with a nuclear weapon on top of the rocket, if that is the reason to have national missile defense in Eastern Europe, well, we just simply don't know that Iran is going to have that capability. And as we continue to look at this on down the road, that is going to be an evaluation as to whether at the end of the day we are going to need that national missile defense in Eastern Europe. But since we don't know all those answers, we have provided in this bill that if they concluded the agreement with those Eastern European countries, they can go about the process of acquiring the land, the site, and the preparation of the site.

We also noted in our committee that they have not had tremendous success with the airborne laser, and of the approximately $.5 billion that they wanted to continue that program, we cut that program by $200 billion and used that money elsewhere, in kinetic energy intercepts on the boost phase of an intercontinental ballistic missile.

So those are just some of the things in here, and I want to thank all the parties who worked with us to get a bipartisan resolution, which is the way a Defense bill ought to be managed and ought to be passed, and we have that this year, and I am very grateful.

Now, there is another part in here that Senator LEVIN and the ranking member of the full committee approved, and I want to thank him for that. That is the question of widows and orphans. Current law is that a servicemember pays for survivors benefits. They pay once they retire, and they pay for that benefit. It is like an insurance policy. On the other hand, there is another body of law in the Veterans' Administration where there are survivors benefits for widows and orphans. When the servicemember passes away, those two eligibilities, under current law, cancel out each other, and that is not the way we ought to be treating widows and orphans.

It was no less than President Lincoln who said, in his second inaugural address, that the mark of a country is how it treats the victims of war, the widows and orphans. And taking care of the widows and orphans, in fact, is a cost of defense. It is a cost of doing business in defense. Just like you buy tanks and airplanes and guns and materiel, and so forth, taking care of not only the veterans is a cost of war, but taking care of their survivors is a cost of war too. This Nation has long canceled out those two eligibilities, and it is time for us to change this.

Because we were down at the end of our discussion of this bill last week, I did not ask for a rollcall vote, as I had last year. Of course, the rollcall was something like 95 to 3 in favor of the widows and orphans, and we would have gotten some kind of a vote like that again. I was trying to accommodate my chairman and the ranking member in the crush of business, and they were kind enough to put it into the managers' package. So this will become a conference item, where it is always a question about money. A few years ago it was estimated that it would cost an additional $9 billion over 10 years. That is now down to somewhere in the range of about $7 billion or $8 billion over 10 years. So when we get into the conference committee, this Senator is going to try to find how

we can get conferees to accept this provision.

So I come to the floor of the Senate to congratulate Senator LEVIN and Senator WARNER, acting in the stead of Senator MCCAIN as the ranking member. What a pleasure it has been to deal with these gentlemen for the last 7 years as a member of this committee.

Madam President, I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Michigan.

Mr. LEVIN. Madam President, first, let me commend the Senator from Florida. As chairman of the Strategic Subcommittee, with his ranking member, the members of that subcommittee have worked through some of the most difficult and thorny issues we faced on this bill this year, and he identified a few of them. He very modestly gives credit to others, but, truly, Senator NELSON deserves most of the credit for working out those very difficult issues on a bipartisan basis.

As a passionate defender of what we should do as a country for the survivors of those men and women we lose in war, I can only assure him we are going to do everything we can possibly do in conference because I assume that had that been brought to a rollcall vote, it would have been unanimous or nearly unanimous on the floor of the Senate. We appreciated his willingness to have that go as part of the managers' package, but for the purpose of that conference, I can assure my dear friend from Florida that there is an assumption on our part that would have been a unanimous or near unanimous vote by the Senate and so, obviously, it is the right thing to do.

I also have a longer statement later—because 5:30 has arrived—about our work as a committee, the subcommittee chairs, the ranking members, and the staff. I will save that statement for after our vote on final passage, which will come immediately after the vote on the Kennedy-Mikulski amendment, but I wanted to add that quick comment.

Mr. WARNER. Madam President, I wish to associate myself with the remarks of our colleague and Senator SESSIONS, the ranking member. I can remember the days on the authorization bill when we would spend a week or more on the one issue, missile defense. I think both sides have pretty well reconciled that the present posture of the program is about where it should be.

Mr. LEVIN. I thank the Senator for that. The hour of 5:30 has arrived. I ask unanimous consent that the Kennedy-Mikulski amendment, No. 3109 be withdrawn and that there be 2 minutes of debate at this time prior to a vote in relation to the Kennedy-Mikulski amendment, No. 3058; that no amendment be in order to the amendment; that no further amendments be in order; that the debate time be equally divided and controlled in the usual form; that upon the use or yielding back of time, the Senate proceed to vote in relation to amendment No. 3058; that upon disposition of that amendment, the substitute amendment, as amended, be agreed to and that the Senate then vote on the passage of H.R. 1585; that all other provisions of the previous order relating to H.R. 1585 remain in effect and that on Tuesday, October 2, following a period of morning business, the Senate proceed to the consideration of Calendar No. 353, H.R. 3222, the Defense Department Appropriations Act.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. No objection.

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

Amendment No. 3109 is withdrawn.

AMENDMENT NO. 3058

There are now 2 minutes of debate on the Kennedy amendment.

The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, I seek recognition in these 2 minutes seeking support on this amendment, joined by my colleagues, KENNEDY and AKAKA, who spoke Friday about why this amendment is important. It is important that this amendment be on this bill because we all remember the Walter Reed scandal. Remember the Walter Reed scandal, mold in the hotel and all that? I spoke on this floor more than a year and a half ago, with Paul Sarbanes, for an amendment that tried to deal with the contracting out at Walter Reed. I lost that amendment on the floor by two votes.

We went from 300 employees to 50 employees, and we only saved money after they had 6 different attempts to make sure they had contracting out. Let me tell you, if you want no more Walter Reeds, you want the Kennedy-Mikulski-Akaka amendment. This amendment saves taxpayers money. It says that any attempt at contracting out must save $10 million or 10 percent, so we meet the taxpayer mandate. It eliminates privatization quotas. If you are against quotas and OMB bounty hunters, this amendment is for you. If you want to make sure our contractors have healthy retirement benefits as part of the contract, this amendment is for you.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

The Senator from South Dakota is recognized.

Mr. THUNE. Madam President, the Kennedy-Mikulski amendment is intended to cause the A–76 process to become so cumbersome and expensive it would effectively eliminate the ability of the Federal Government to conduct any future A–76 competitions. What it specifically does is it mandates private contractors match Government health and retirement benefits.

DOD alone has saved taxpayers over $5 billion as a result of competitions completed between fiscal year 2001 and fiscal year 2006. DOD expects these savings to grow to over $9 billion after the completion of all planned competitions initiated in fiscal year 2007 are completed.

Right now the Government bidders win over 80 percent of the competitions. This can hardly be characterized as an unfair process, as supporters of this amendment portray it. It is designed to save taxpayer dollars. It has—$5 billion over the past 5 years.

This amendment makes it so cumbersome, by mandating the private contractors match Government health and retirement benefits, that the A–76 process will be completely undermined.

I urge my colleagues to vote against this amendment.

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Madam President, is a request for a quorum call in order at this time?

The PRESIDING OFFICER. It is in order. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The question is on agreeing to the amendment.

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

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

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 51, nays 44, as follows:

[Rollcall Vote No. 358 Leg.]

YEAS—51

Akaka	Harkin	Nelson (FL)
Baucus	Inouye	Nelson (NE)
Bayh	Johnson	Pryor
Bingaman	Kennedy	Reed
Bond	Kerry	Reid
Boxer	Klobuchar	Rockefeller
Brown	Kohl	Salazar
Byrd	Landrieu	Sanders
Cantwell	Lautenberg	Schumer
Cardin	Leahy	Snowe
Carper	Levin	Specter
Casey	Lieberman	Stabenow
Conrad	Lincoln	Tester
Dorgan	McCaskill	Warner
Durbin	Menendez	Webb
Feingold	Mikulski	Whitehouse
Feinstein	Murray	Wyden

NAYS—44

Alexander	Burr	Corker
Allard	Chambliss	Cornyn
Barrasso	Coburn	Craig
Bennett	Cochran	Crapo
Brownback	Coleman	DeMint
Bunning	Collins	Dole

Domenici	Inhofe	Sessions
Ensign	Isakson	Shelby
Enzi	Kyl	Smith
Graham	Lott	Stevens
Grassley	Lugar	Sununu
Gregg	Martinez	Thune
Hagel	McConnell	Vitter
Hatch	Murkowski	Voinovich
Hutchison	Roberts	

NOT VOTING—5

Biden	Dodd	Obama
Clinton	McCain	

The amendment (No. 3058) was agreed to.

Mr. KENNEDY. Madam President, I move to reconsider the vote.

Ms. MIKULSKI. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WYDEN. Madam President, I rise today to thank my colleagues for their robust debate about this important piece of legislation.

I would also like to highlight a provision included in this bill based on the Stop Arming Iran Act, which I introduced in January of this year. The provision seeks to end the Iranian Government's acquisition of sensitive military equipment by blocking the Pentagon's sale of F–14 fighter jet parts.

It is the sensitive job of the Department of Defense to demilitarize and auction off surplus military equipment. However, recent investigations and reports have uncovered a frightening trend regarding the sale of F–14 Tomcat aircraft parts. U.S. customs agents have discovered F–14 parts being illegally shipped to Iran by brokers who bought F–14 surplus equipment from Department of Defense auctions.

Other than the United States, Iran is the only nation to fly the F–14. The United States allowed Iran to buy 79 F–14s before its revolution in 1979. Fortunately, most of Iran's F–14s are currently grounded for lack of parts. As the F–14 is retired from active service in the United States, a slew of parts are about to be processed by the Pentagon.

We know that Iran is pursuing a nuclear weapons capability. We know that the Department of State has identified Iran as the most active state sponsor of terrorism. We know that the sale of spare parts for F–14s could make it more difficult to confront the nuclear weapons capability of Iran. And yet F–14 parts are still being sold by the DOD.

Iran's F–14s, especially with the parts to get more of them airborne, greatly strengthen its ground war potential, harming our national and global security. Our country should be doing everything possible to deny the brutal regime in Tehran access to spare parts for their F–14 fleet.

The Department of Defense will tell you that it is already taking action to control the sale of F–14 parts. They now say that every F–14 part is frozen and cannot be sold. However, they will not commit to keeping this freeze in place and admit that the Pentagon can choose to rescind or make exceptions to this policy at any time. I have identified three large-scale changes to the Pentagon's policy on F–14 parts in just the last year. And history has shown us that these rules are not enough.

The Department has been caught still selling F–14 parts, even when its rules forbid it. It has sold F–14 parts to companies that have turned out to be fronts for the Iranians. More recently, the DOD sold sensitive technology, including classified F–14 parts, to undercover GAO investigators.

This provision will make it crystal clear to the Department of Defense that it may not sell any F–14 parts to anyone for any reason. There should be no chance for the parts to make their way to the Iranians.

I am very encouraged that both the Senate and House Armed Services Committees have included the Stop Arming Iran provision in both versions of the Defense authorization bill. I commend my colleagues for allowing this important legislation into today's bill.

The provision fixes a very specific but very important problem: the sale of F–14 components to a state sponsor of terrorism. We cannot—and with the passage of this bill, we will not—allow that to happen.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mr. DODD. Madam President, I wish to explain my vote against ending debate on the Defense authorization bill. I voted this way for two simple reasons—first, this bill does not do anything to end the war, and second, it does not provide adequate support for the families of our returning wounded warriors.

A few weeks ago, I filed an amendment based on a key recommendation of the Dole-Shalala Wounded Warriors Commission—to expand the Family and Medical Leave Act to allow the families of wounded military personnel to take up to 6 months of unpaid leave to care for their loved ones. Now, because the Senate voted to shut off debate, this critically important amendment will not be considered. Such an expansion of the FMLA is of the utmost importance to our wounded warriors, and I will ask at the end of my statement to have a letter from Senator Bob Dole to Chairman LEVIN and Ranking Member MCCAIN, detailing the tremendous importance of this provision, be printed in the RECORD.

On September 11, 2007, I announced that I would not support legislation dealing with Iraq unless it included a firm and enforceable deadline for withdrawing U.S. combat forces from Iraq—one linked to an explicit cut off of funds after a date certain. Sadly, Republican stalling tactics made it impossible for such a provision to receive an up-or-down vote under regular Senate procedures. Therefore, I could not, in good conscience, call for an end to debate on a bill that has not addressed that issue or the hardships our soldiers and their families face both at home and abroad, and the very security of our Nation.

That said, I commend Chairman LEVIN and Ranking Member MCCAIN for their hard work in making sure this legislation does include many beneficial and important provisions, such as a 3.5-percent pay raise for our men and women in uniform and additional funding to purchase Mine Resistant Armor Protected vehicles. These are important steps in making sure our Armed Forces are appropriately compensated and equipped to defend our Nation. But as long as another year passes without an effective plan to end the war and support our military families, I am afraid that this Congress's work will be incomplete.

Madam President, I ask to have the letter to which I referred printed in the RECORD.

The letter follows.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.
Hon. JOHN MCCAIN,
Ranking Member, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEVIN AND RANKING MEMBER MCCAIN, I would like to thank you, once again, for your continued efforts to improve the treatment of our returning combat troops, exemplified by your shepherding of the Wounded Warrior Assistance Act of 2007 through the Senate in July. This important measure provided a good first step; but as you know, much more remains to be done and I appreciate your willingness to consider the recommendations made by the President's Commission on Care for America's Returning Wounded Warriors.

As you know, I, along with former Secretary of Health and Human Services Donna Shalala, recently released the findings of the Commission. One specific finding of this report is currently pending as an amendment to the National Defense Authorization Act currently being debated on the Senate floor. Notably, the Dodd-Clinton-Dole-Graham amendment (S. Amdt #2647) increases Family and Medical Leave Act (FMLA) job protection benefits to the families of our injured soldiers from the current 12 weeks to 6 months. These families are facing significant challenges to help their loved ones heal, and the last thing they need to worry about is losing their jobs in the process.

There are two very critical points to be made with respect to this recommendation by the Commission. First, the use of already existing FMLA authority is vital to minimizing the delay in implementation of this needed benefit. The FMLA has existed for 14 years and has a proven track record of success. It is understood by those using the benefits, those charged with its oversight, and the employers working within its framework. Second, the length of the benefit has been carefully crafted to best balance the impact on employers on one side and the average time it takes for most injured personnel to regain self-sufficiency. While other pending amendments have either sought to depart from the existing FMLA structure by using other legislative vehicles not intended to extend to families of service members such as the Uniformed Services Employment and Reemployment Rights Act (USERRA), or extended job protection benefits beyond six months, neither are supported by the Commission's findings and may actually hinder the efforts to implement the Commission's work.

The Administration will have a different approach, but it will be some time before the Administration's comprehensive proposal will be acted on.

Thank you for your consideration of this important legislation. I know that you share my belief that it is essential that we supply all necessary and prudent tools to our military families to deal with the hardships of helping their wounded warriors regain self-sufficiency following a severe injury. The Dodd-Clinton-Dole-Graham amendment passes this test. If I may be of any further assistance, please feel free to contact me.

God Bless America,

BOB DOLE.●

Mr. BYRD. Madam President, I will vote against H.R. 1585, the National Defense Authorization Act. I support many of the provisions in this bill, which authorizes the activities of the Department of Defense, including important research, development and procurement funding to improve our Armed Forces and the operations and maintenance funding necessary to ensure the smooth running of the military services over the coming year. I support these activities, which not only benefit those servicemembers currently serving overseas in Afghanistan and Iraq, but also help build a strong and effective military for the future. I applaud the fine work of Senator LEVIN and the Committee on Armed Services for their efforts in putting together a bill that is, in most ways, a good piece of legislation.

However, H.R. 1585 also includes title XV, which provides authorization for the funding of continued operations in Iraq for the coming year. In my view, this provision constitutes a ''poison pill.''

I have stated before that the Congress should not continue to write blank checks for the prosecution of this apparently endless war in Iraq. That is what title XV does. In effect, it provides a congressional authorization to fund the continuation of President Bush's policy in Iraq for another year, without any strings attached. I offered an amendment to clarify that nothing in the bill constitutes a specific authorization for U.S. troops to remain in Iraq, but the committee was unable to clear the amendment. Other amendments offered to the bill that would have placed limits on the number of troops or otherwise limited the mission of U.S. forces in Iraq were defeated during the floor debate on H.R. 1585. This is regrettable.

Continuing to prosecute this war at the current rate is straining our military to the breaking point. Many units and individuals are enduring their third and fourth rotation to Iraq, and because no limits have been placed on the mission or force levels, there is no end in sight. More and more military analysts are warning that the U.S. Armed Forces are at risk for becoming a 'hollow force,' as happened after the Vietnam conflict. That is irresponsible, and it puts our Nation at risk.

There are no provisions in this bill to require the U.S. President or the Iraqi government to meet any benchmarks or withdraw any troops, or even to put limits on sending still more troops to Iraq, if any could be found. It is time for Congress to start reining in this runaway horse, before our military is completely exhausted and our nation made vulnerable.

I support our troops. I do not want them to lack for anything needed to do their job or to keep them safe. But I cannot and will not agree to leave them in Iraq forever, with no limits placed on their mission, no provision to ensure that they at least get as much time at home as they do on the battlefield, with no benchmarks or goals set for the Iraqi Government that might trigger a return of our troops, and no assurances by our commander in Iraq that this war is making the United States any safer. That is a bitter poison pill I cannot swallow.

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

The amendment (No. 2011), as amended, was agreed to.

The PRESIDING OFFICER. The question is on engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

Mr. LEVIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 92, nays 3, as follows:

[Rollcall Vote No. 359 Leg.]

YEAS—92

Akaka	Cardin	Dorgan
Alexander	Carper	Durbin
Allard	Casey	Ensign
Barrasso	Chambliss	Enzi
Baucus	Cochran	Feinstein
Bayh	Coleman	Graham
Bennett	Collins	Grassley
Bingaman	Conrad	Gregg
Bond	Corker	Hagel
Boxer	Cornyn	Harkin
Brown	Craig	Hatch
Brownback	Crapo	Hutchison
Bunning	DeMint	Inhofe
Burr	Dole	Inouye
Cantwell	Domenici	Isakson
Johnson	McConnell	Shelby
Kennedy	Menendez	Smith
Kerry	Mikulski	Snowe
Klobuchar	Murkowski	Specter
Kohl	Murray	Stabenow
Kyl	Nelson (FL)	Stevens
Landrieu	Nelson (NE)	Sununu
Lautenberg	Pryor	Tester
Leahy	Reed	Thune
Levin	Reid	Vitter
Lieberman	Roberts	Voinovich
Lincoln	Rockefeller	Warner
Lott	Salazar	Webb
Lugar	Sanders	Whitehouse
Martinez	Schumer	Wyden
McCaskill	Sessions	

NAYS—3

Byrd	Coburn	Feingold

NOT VOTING—5

Biden	Dodd	Obama
Clinton	McCain	

The bill (H.R. 1585), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. FEINGOLD. Mr. President, I voted against the fiscal year 2008 defense authorization bill because it does nothing to bring to a close the open-ended military mission in Iraq, which has overburdened our military, weakened our national security, and cost the lives of thousands of American soldiers.

There were provisions in the bill which I strongly supported, including language I proposed that will make it easier for family members and other trusted adults to take leave to care for children and dependents when their loved ones are deployed. I am also pleased that the Senate approved two amendments I cosponsored. One was an amendment by Senator WEBB creating a Commission on Wartime Contracting to examine waste, fraud and abuse in Iraq and Afghanistan, including the misuse of force by private security contractors. The other was an amendment by Senator SANDERS to ensure that money allocated for research on gulf war illnesses is spent wisely.

But on balance, I could not vote for a bill that defies the will of so many Wisconsinites and so many Americans by allowing the President to continue one of the greatest and most tragic foreign policy blunders in the history of our Nation.

Mr. AKAKA. Mr. President, I was pleased today to vote, along with my Senate colleagues, for the passage of H.R.1585, the Defense Authorization Bill for Fiscal Year 2008. I thank the managers of this bill, Chairman LEVIN and Ranking Member MCCAIN, for working so diligently and in such a collegial manner toward passage of a bill that addressed so many complicated and potentially divisive issues. It is to their credit that we have been able to move this bill along which is so vital to the support of our brave men and women in our armed services.

This bill was passed out of committee with a number of provisions to improve

the lives of our military members and the effectiveness and readiness of our armed services which I, as a senior member of the Senate Armed Services Committee and chairman of the Subcommittee on Readiness, worked to ensure were a part of the bill language. They include important acquisition reforms such as a series of provisions that would help the DOD manage its oversight of contract services and the creation of a Chief Management Officer for the Department of Defense. I also was able to work with my colleagues to incorporate language that establishes a Director of Corrosion and Control Policy and Oversight in addition to other provisions that further my efforts to establish effective corrosion control in all branches of our services. H.R. 1585 also contained my legislation to establish a National Language Council to develop and implement a long-term and comprehensive language strategy.

In addition to the provisions that I initiated and supported in the underlying language, I was able to successfully introduce and cosponsor a number of amendments during the Senate's consideration of the Defense Authorization Act. As chairman of the Veterans' Affairs Committee, I was particularly pleased to see that language from the Dignified Treatment of Wounded Warrior Act which addresses shortfalls in the quality of health care provided to our servicemembers was included as an amendment to this bill. Similarly, I was pleased that my amendment related to the Wounded Warrior Act was passed by the Senate. This legislation will enhance the quality of care that members of our Armed Forces receive once they transition to veteran status, improve the capability of the Department of Veterans Affairs to care for veterans with traumatic brain injuries, and improve access to VA mental health and dental care. In addition, my amendment addresses the issue of homelessness among newly discharged servicemembers and recognizes the importance of the National Guard and Reserve in the VA's outreach programs.

This bill also includes an amendment I offered to end the disparate treatment of employees who accepted discontinuation of service retirement following a reduction in force. My amendment ensures that these Federal employees would be able to return to work at DOD and continue to earn toward retirement. It is vital that this Nation have a viable plan to produce individuals who are capable of effective communication in today's global environment. I also applaud the inclusion of the fair competition amendment, introduced by Senator KENNEDY which I cosponsored, which will minimize the harmful effects of the current A–76 process for outsourcing Federal jobs to private contractors by removing several unfair advantages that contractors currently have in the contract competition process.

I was disappointed, however, that the Webb amendment which I was proud to cosponsor was not agreed to by the Senate. The Webb amendment would have lessened the burden placed on our soldiers and their families by setting a minimum time between deployments in order to ensure that members of our Armed Forces have as much time at home with their loved ones as they fight overseas for this Nation.

I was also disappointed that the Levin-Reed amendment which would have set a clear and definitive deadline for the withdrawal of forces from Iraq was not passed. One of the key elements of stabilizing the ongoing chaos in Iraq is for the Iraqi Government to begin to take more responsibility for ensuring their own nation's security and assume primary combat role in protecting and defending their nation. This will not occur without the development and implementation of a coherent exit strategy. The Levin-Reed amendment offered just such a plan.

As a senior member of the Senate Armed Services and chairman of the Subcommittee on Readiness and Management, I will continue to work with my Senate colleagues to change the course of this war by insisting that the administration provide to this Congress and the people of our nation with a comprehensive exit strategy.

UNANIMOUS CONSENT REQUEST—S. 1327

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 172, S. 1327, a bill to create temporary district court judgeships, that the bill be read a third time, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS CONSENT REQUEST—S. 535

Mr. LEAHY. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 211, S. 535, the Emmett Till Unsolved Civil Rights Act; that the substitute amendment be agreed to; the bill, as amended, be read a third time, passed; the title amendment be agreed to; the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Michigan.

Mr. LEVIN. Mr. President, the bill we have just adopted is the 46th consecutive annual Defense authorization bill that has come out of our committee and been brought to the Senate for debate and passage. It has been no secret that this is one of the largest and most complex and important pieces of legislation that comes before the Senate every year. Every year since 1961, it has been a challenge to get it passed. Thankfully, because of its vital importance to our Nation, we have always found a way to do so. This year was particularly difficult, as we continue to debate the war in Iraq. Today is the 19th and final day of debate on this bill. Only two other annual Defense authorization bills have required longer to pass. In 1969, the Senate debated the bill for 37 days. In 1970, it was debated for 28 days. History shows that in time of war, the Senate acts as it should and takes the necessary time to carefully consider this bill and its impact on our Nation.

We had over 400 amendments that were filed to this bill. We were able to work with all Senators and pass several large packages of managers' amendments while we were wrestling with Iraq-related amendments. All told, we acted on a total of 214 amendments during the bill's consideration.

Whenever we reach the point of final passage of legislation, we take a moment to thank Members and staff. To some this may seem to be a routine matter. It is not. All of us who make up the Senate should honor its customs and traditions. They are really the foundation of this Senate.

With that as my motivation, I want to take a moment to express my thanks to those who worked so hard and cooperated so well to bring us to final passage of this bill.

First, my thanks go to Senator MCCAIN who is serving as our ranking member for the first time this year. Senator MCCAIN's leadership and determination helped forge this bill through the committee and on to final passage.

Next, I thank and acknowledge our former chairman, Senator WARNER. Senator WARNER has made innumerable contributions to this bill. This bill would not be here but for the work of Senator WARNER. Working within arm's reach of Senator WARNER each year for the past 28 years has been truly one of the highlights of my Senate career.

He is a good friend of mine. More importantly, he is a good friend to national defense and to the people who depend upon it and who work for it in this country.

To our majority leader, Senator REID, and his floor staff, a special word of thanks for giving us the time and the tools to get this bill through the Senate.

To all of our committee members who, again, worked on a bipartisan basis, we appreciate their work. We do not often take the time to express it. I am afraid this will kind of have to be that moment. People do not realize our committee has one quarter of the Senate as its members. We work together in the committee. Our differences on the bill did not divide us. We reported the bill by a unanimous vote.

To Charlie Armstrong in the Office of Senate Legislative Counsel, he did his work skillfully. He proved over 400 times, with those 400 amendments, that he knows how to draft amendments.

To our committee staff members, they truly earned the thanks and recognition of the entire Senate for their

time and their efforts on this legislation.

I want to mention two of the members of our staff who lead our staff and one woman who has served on our committee staff for the past 19 years.

To Rick DeBobes, our committee staff director, he serves us so brilliantly and well and so unselfishly 24/7. He is within earshot, so I will not embarrass him and have him blush other than to say he is so totally indispensable not just to me but to the Senate and all of the staff that work so well with him. Our gratitude.

To Senator MCCAIN's new Republican staff director, Mike Kostiw, his leadership is so effective that it is quite difficult to believe this is Mike's first year.

To Cindy Pearson, our assistant chief clerk and security manager, a special word of thanks and encouragement. Cindy has been serving the committee for the last 19 years. She is the consummate professional in every aspect of her work. She is away from us right now as she undergoes treatment for breast cancer. We want her to know she is ever present in our thoughts and in our prayers. We all look forward to welcoming Cindy Pearson back to the committee family soon.

So Rick's and Mike's and all the other committee staff members' long and hard work and personal sacrifices, day in and day out, to get this bill enacted again this year paid off. They are the backbone of the Senate. They and other people who work for us in this Senate make it possible to turn our ideas into policies and into legislation.

I thank them all. I know I thank them for their expertise and their dedication on behalf of all the members of the committee. They brought us again through to the point of conference with the House. We are hopeful to bring back promptly a conference report. But in the meantime, thanks to them, their professionalism, and their hard work. We are where we are at.

Mr. President, I ask unanimous consent that a list of the entire Armed Services Committee staff be printed in the RECORD.

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

ARMED SERVICES COMMITTEE STAFF

Richard D. DeBobes, Staff Director; Michael V. Kostiw, Republican Staff Director; June M. Borawski, Printing and Documents Clerk; Leah C. Brewer, Nominations and Hearings Clerk; Joseph M. Bryan, Professional Staff Member; William M. Caniano, Professional Staff Member; Pablo E. Carrillo, Minority Investigative Counsel; Jonathan D. Clark, Counsel; Ilona R. Cohen, Counsel; David G. Collins, Research Assistant; Fletcher L. Cork, Staff Assistant; Christine E. Cowart, Chief Clerk; Daniel J. Cox, Jr., Professional Staff Member; Madelyn R. Creedon, Counsel; Kevin A. Cronin, Staff Assistant; Marie F. Dickinson, Administrative Assistant for the Minority; Gabriella Eisen, Counsel; Evelyn N. Farkas, Professional Staff Member; Richard W. Fieldhouse, Professional Staff Member; Creighton Greene, Professional Staff Member.

Gary J. Howard, Systems Administrator; Paul C. Hutton, IV, Research Assistant; Mark R. Jacobson, Professional Staff Member; Gregory T. Kiley, Professional Staff Member; Jessica L. Kingston, Staff Assistant; Michael J. Kuiken, Professional Staff Member; Gerald J. Leeling, Counsel; Peter K. Levine, General Counsel; Derek J. Maurer, Minority Counsel; Thomas K. McConnell, Professional Staff Member; Michael J. McCord, Professional Staff Member; William G.P. Monahan, Counsel; David M. Morriss, Minority Counsel; Lucian L. Niemeyer, Professional Staff Member; Michael J. Noblet, Research Assistant; Bryan D. Parker, Minority Investigative Counsel; Christopher J. Paul, Professional Staff Member; Cindy Pearson, Assistant Chief Clerk and Security Manager; John H. Quirk V, Security Clerk; Benjamin L. Rubin, Staff Assistant.

Lynn F. Rusten, Professional Staff Member; Brian F. Sebold, Staff Assistant; Arun A. Seraphin, Professional Staff Member; Travis E. Smith, Special Assistant; Robert M. Soofer, Professional Staff Member; Sean G. Stackley, Professional Staff Member; William K. Sutey, Professional Staff Member; Kristine L. Svinicki, Professional Staff Member; Diana G. Tabler, Professional Staff Member; Mary Louise Wagner, Professional Staff Member; Richard F. Walsh, Minority Counsel; Breon N. Wells, Receptionist; Dana W. White, Professional Staff Member.

Mr. LEVIN. Mr. President, I yield the floor. I see my dear friend Senator WARNER is here. Again, I cannot say too often what it means to have as a partner JOHN WARNER of Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I very much value the friendship and the working relationship we have had together. It would be interesting if somebody wanted to try to look at records. I suppose since this is our 29th bill we have worked on, that might be a bit of a record. But I think also both of us have been chairman three times. That might be a bit of a record too.

But I say to the Senator from Michigan, I give you a most sincere and warm congratulations for your achieving this bill. This is the 19th day the bill was on the floor, and our good friend, the ranking member, was on the floor many of those days. He has called in each day to our distinguished chief of staff, Mike Kostiw, and has talked with me and other members of the staff. So he is very much hands on.

But I think we probably got through with a little less contention this time than in years past. I think that reflects a lot of credit on the distinguished chairman and the distinguished ranking member and the wonderful staff and very active membership by each and every one of the, as you say, 25 members of the Senate Armed Services Committee.

We work well together as a team. People are very proud to be on this committee. They believe they are serving a most noble cause; that is, the men and women of the Armed Forces, and their families, who tonight are on two battlefronts and, indeed, in many other places of personal danger throughout the world, for the sole purpose of guarding freedom and, most importantly, the freedom we have here at home.

So I thank the chairman. I thank all who made it possible, and say, also, how well our two staffs worked together in a bipartisan way to achieve, as you say, a consensus on almost 200 of those amendments. So I think we have done our job, I say to the Senator. It is at a critical time in the course of our country. Again, I wish the men and women of the Armed Forces and their families only the best.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House on the disagreeing votes of the two Houses.

Mr. WARNER. Mr. President, my chairman has overlooked a minor item.

The PRESIDING OFFICER. The Senator from Michigan.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with each Senator given 10 minutes.

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

The Senator from Ohio.

COSTA RICA AND TRADE POLICY

Mr. BROWN. Mr. President, I rise to speak in this Chamber about a story unfolding right now in Costa Rica.

This country of 4 million people is having a national referendum on October 7—next week—on the Central American Free Trade Agreement, the trade deal this Congress passed by a narrow margin a couple of years ago.

CAFTA stipulates that the last signatory country must approve the deal no later than 2 years after the first signatory country implements the agreement.

So over the past 2 years, the United States, El Salvador, Honduras, Guatemala, Nicaragua, and the Dominican Republic enacted the NAFTA expansion.

The Costa Rican people have resisted it.

My colleagues have seen news reports this weekend about a massive rally of fair traders—people who want trade but under different rules—against CAFTA in Costa Rica. Some 150,000 citizens in a country of 4 million people spoke out expressing their opposition to the agreement—150,000 people—and most thought that a conservative estimate.

The pro-CAFTA government gave up efforts to pass CAFTA in the legislature after continued protest against it, including a 2-day general strike last October.

Their is strong opposition to a NAFTA-style agreement. In fact, the issue of whether to approve CAFTA has stirred up such political upheaval that the Government chose to go to a public