

SA 2120. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2121. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2122. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2123. Mr. CARPER (for himself and Mrs. McCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2124. Mr. NELSON, of Nebraska (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2125. Mrs. FEINSTEIN (for herself, Mr. HARKIN, Mr. DODD, Mrs. CLINTON, Mr. BROWN, Mr. BINGAMAN, Mr. KENNEDY, Mr. WHITEHOUSE, and Mr. OBAMA) submitted an amendment intended to be proposed by her to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2126. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2127. Mr. WEBB (for himself and Mrs. McCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2128. Mr. REID (for Mr. LAUTENBERG) proposed an amendment to the resolution S. Res. 226, recognizing the month of November 2007 as "National Homeless Youth Awareness Month".

SA 2129. Mr. REID (for Mr. LAUTENBERG) proposed an amendment to the resolution S. Res. 226, *supra*.

SA 2130. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 2065.** Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

**SEC. 1535. CONDOLENCE AND SOLATIA PAYMENTS.**

(a) IN GENERAL.—The Secretary of Defense shall ensure that the amounts authorized to be paid per incident for condolence and solatia payments in Iraq and Afghanistan are identical.

(b) QUARTERLY REPORT.—The Secretary of Defense shall include in the report submitted to the congressional defense committees under section 1201(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2077) a description of each condolence or solatia payment in excess of \$2,500 made during the reporting period in Iraq or Afghanistan, including the date, location, and circumstances of each such payment.

**SA 2066.** Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

**SEC. 1070. RETENTION OF REIMBURSEMENT FOR PROVISION OF RECIPROCAL FIRE PROTECTION SERVICES.**

Section 5 of the Act of May 27, 1955 (chapter 105; 69 Stat. 67; 42 U.S.C. 1856d) is amended—

- (1) by striking "Funds" and inserting "(a) Funds"; and
- (2) by adding at the end the following new subsection:

"(b) Notwithstanding the provisions of subsection (a), all sums received for any Department of Defense activity for fire protection rendered pursuant to this Act shall be credited to the appropriation fund or account from which the expenses were paid. Amounts so credited shall be merged with funds in such appropriation fund or account and shall be available for the same purposes and subject to the same limitations as the funds with which the funds are merged."

**SA 2067.** Mr. KENNEDY (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

**SEC. 1070. HATE CRIMES.**

(a) SHORT TITLE.—This section may be cited as the "Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act of 2007".

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

(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) A prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including the following:

(A) The movement of members of targeted groups is impeded, and members of such groups are forced to move across State lines to escape the incidence or risk of such violence.

(B) Members of targeted groups are prevented from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

(C) Perpetrators cross State lines to commit such violence.

(D) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(E) Such violence is committed using articles that have traveled in interstate commerce.

(7) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(8) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct "races". Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(9) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(10) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States, local jurisdictions, and Indian tribes.

(c) DEFINITION OF HATE CRIME.—In this section—

(1) the term "crime of violence" has the meaning given that term in section 16, title 18, United States Code;

(2) the term "hate crime" has the meaning given such term in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note); and

(3) the term "local" means a county, city, town, township, parish, village, or other general purpose political subdivision of a State.

(d) SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT OFFICIALS.—

(1) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—At the request of State, local, or Tribal law enforcement agency, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(i) constitutes a crime of violence;

(ii) constitutes a felony under the State, local, or Tribal laws; and

(iii) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the State, local, or Tribal hate crime laws.

(B) PRIORITY.—In providing assistance under subparagraph (A), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than one State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(2) GRANTS.—

(A) IN GENERAL.—The Attorney General may award grants to State, local, and Indian law enforcement agencies for extraordinary expenses associated with the investigation and prosecution of hate crimes.

(B) OFFICE OF JUSTICE PROGRAMS.—In implementing the grant program under this paragraph, the Office of Justice Programs shall work closely with grantees to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(C) APPLICATION.—

(i) IN GENERAL.—Each State, local, and Indian law enforcement agency that desires a grant under this paragraph shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(ii) DATE FOR SUBMISSION.—Applications submitted pursuant to clause (i) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(iii) REQUIREMENTS.—A State, local, and Indian law enforcement agency applying for a grant under this paragraph shall—

(I) describe the extraordinary purposes for which the grant is needed;

(II) certify that the State, local government, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(III) demonstrate that, in developing a plan to implement the grant, the State, local, and Indian law enforcement agency has consulted and coordinated with nonprofit, non-governmental victim services programs that have experience in providing services to victims of hate crimes; and

(IV) certify that any Federal funds received under this paragraph will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this paragraph.

(D) DEADLINE.—An application for a grant under this paragraph shall be approved or denied by the Attorney General not later than 30 business days after the date on which the Attorney General receives the application.

(E) GRANT AMOUNT.—A grant under this paragraph shall not exceed \$100,000 for any single jurisdiction in any 1-year period.

(F) REPORT.—Not later than December 31, 2008, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this paragraph, the award of such grants, and the purposes for which the grant amounts were expended.

(G) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph \$5,000,000 for each of fiscal years 2008 and 2009.

(e) GRANT PROGRAM.—

(1) AUTHORITY TO AWARD GRANTS.—The Office of Justice Programs of the Department of Justice may award grants, in accordance with such regulations as the Attorney General may prescribe, to State, local, or Tribal programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such

sums as may be necessary to carry out this subsection.

(f) AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT.—There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, for fiscal years 2008, 2009, and 2010 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by this section.

(g) PROHIBITION OF CERTAIN HATE CRIME ACTS.—

(1) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

**“§ 249. Hate crime acts**

“(a) IN GENERAL.—

“(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

“(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

“(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

“(i) death results from the offense; or

“(ii) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

“(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity or disability of any person—

“(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

“(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

“(I) death results from the offense; or

“(II) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

“(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

“(I) across a State line or national border; or

“(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

“(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

“(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

“(iv) the conduct described in subparagraph (A)—

“(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

“(II) otherwise affects interstate or foreign commerce.

“(b) CERTIFICATION REQUIREMENT.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

“(1) such certifying individual has reasonable cause to believe that the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of any person was a motivating factor underlying the alleged conduct of the defendant; and

“(2) such certifying individual has consulted with State or local law enforcement officials regarding the prosecution and determined that—

“(A) the State does not have jurisdiction or does not intend to exercise jurisdiction;

“(B) the State has requested that the Federal Government assume jurisdiction; or

“(D) the verdict or sentence obtained pursuant to State charges left demonstratively unindicted the Federal interest in eradicating bias-motivated violence.

“(c) DEFINITIONS.—In this section—

“(1) the term ‘explosive or incendiary device’ has the meaning given such term in section 232 of this title;

“(2) the term ‘firearm’ has the meaning given such term in section 921(a) of this title; and

“(3) the term ‘gender identity’ for the purposes of this chapter means actual or perceived gender-related characteristics.

“(d) RULE OF EVIDENCE.—In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense. However, nothing in this section affects the rules of evidence governing impeachment of a witness.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

**“249. Hate crime acts.”**

(h) STATISTICS.—

(1) IN GENERAL.—Subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting “gender and gender identity,” after “race.”.

(2) DATA.—Subsection (b)(5) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting “, including data about crimes committed by, and crimes directed against, juveniles” after “data acquired under this section”.

(i) SEVERABILITY.—If any provision of this section, an amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this section, the amendments made by this section, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

**SA 2068.** Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1517. MITIGATION OF EFFECTS OF EXPLOSIVELY FORMED PROJECTILES.**

Of the amount authorized to be appropriated by section 1510(a) for the Joint Improvised Explosive Device Defeat Fund, \$40,000,000 may be available for the Joint Improvised Explosive Device Defeat Organization to mitigate the effects of Explosively Formed Projectiles (EFPs).

**SA 2069.** Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

**SEC. 3126. REPEAL OF SUNSET DATE OF THE OFFICE OF THE OMBUDSMAN OF THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.**

Section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s-15) is amended by striking subsection (g).

**SA 2070.** Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXIV, add the following:

**SEC. 2406. CONSTRUCTION OF FACILITIES AT CANNON AIR FORCE BASE, NEW MEXICO.**

(a) AUTHORIZATION FOR PROJECTS.—

(1) IN GENERAL.—The amount set forth in the item relating to Cannon Air Force Base, New Mexico, in the table entitled “Special Operations Command” in section 2401(a) is hereby increased by \$68,000,000.

(2) PROJECTS AUTHORIZED.—The amount authorized to acquire real property and carry out military construction projects at Cannon Air Force, New Mexico, pursuant to paragraph (1) is allocated for the following projects in the following amounts:

(A) \$31,000,000 for the construction of Special Operations Forces C-130 Fuel Cell and Corrosion Control Hangars.

(B) \$7,500,000 for the construction of a Special Operations Forces CV-22 Simulator Facility.

(C) \$17,500,000 for the construction of Special Operations Forces UAV Squadron Operations / Ground Control Stations.

(D) \$12,000,000 for the construction of a Special Operations Forces MC-130 Squadron Operations Facility.

(b) INCREASE IN AMOUNT AUTHORIZED TO BE APPROPRIATED.—The amount authorized to be appropriated by section 2403 for military construction, land acquisition, and military family housing functions of the Department of Defense and the amount designated under

paragraph (1) of such section for military construction projects inside the United States are each increased by \$68,000,000.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby reduced by \$68,000,000.

**SA 2071.** Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXIV, add the following:

**SEC. 2406. CONSTRUCTION OF SPECIAL OPERATIONS FORCES C-130 FUEL CELL AND CORROSION CONTROL HANGARS AT CANNON AIR FORCE BASE, NEW MEXICO.**

(a) AUTHORIZATION FOR PROJECTS.—

(1) IN GENERAL.—The amount set forth in the item relating to Cannon Air Force Base, New Mexico, in the table entitled “Special Operations Command” in section 2401(a) is hereby increased by \$31,000,000.

(2) PROJECT AUTHORIZED.—The amount authorized to acquire real property and carry out military construction projects for the Special Operations Command at Cannon Air Force, New Mexico, pursuant to paragraph (1) may be available for the construction of Special Operations Forces C-130 Fuel Cell and Corrosion Control Hangars.

(b) INCREASE IN AMOUNT AUTHORIZED TO BE APPROPRIATED.—The amount authorized to be appropriated by section 2403 for military construction, land acquisition, and military family housing functions of the Department of Defense and the amount designated under paragraph (1) of such section for military construction projects inside the United States are each increased by \$31,000,000.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby reduced by \$31,000,000.

**SA 2072.** Mrs. LINCOLN (for herself, Mr. CRAPO, Mr. DURBIN, Mr. COLEMAN, Mr. BROWN, Mr. KERRY, Mr. LEAHY, Mr. HARKIN, Mr. CASEY, Ms. SNOWE, Ms. MIKULSKI, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 673. RECODIFICATION IN TITLE 38, UNITED STATES CODE, OF CERTAIN EDUCATIONAL ASSISTANCE PROGRAMS FOR MEMBERS OF THE RESERVE COMPONENTS.**

(a) IN GENERAL.—Part III of title 38, United States Code, is amended by inserting after chapter 32 the following new chapter:

**“CHAPTER 33—EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE RESERVE COMPONENTS”**

**“SUBCHAPTER I—MEMBERS OF THE SELECTED RESERVE”**

“Sec.

“3301. Educational assistance program: establishment; amount.

“3302. Eligibility for educational assistance.

“3303. Time limitation for use of entitlement.

“3304. Termination of assistance.

“3305. Failure to participate satisfactorily; penalties.

“3306. Administration of program

“3307. Reports to Congress.

**“SUBCHAPTER II—RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND CERTAIN OTHER OPERATIONS”**

“3321. Purpose.

“3322. Educational assistance program.

“3323. Eligibility for educational assistance.

“3324. Time limitation for use of entitlement.

“3325. Termination of assistance.

“3326. Administration of program.

**“SUBCHAPTER I—MEMBERS OF THE SELECTED RESERVE”**

**“§ 3301. Educational assistance program: establishment; amount”**

“(a) ESTABLISHMENT.—To encourage membership in units of the Selected Reserve of the Ready Reserve, the Secretary of Veterans Affairs, shall establish and maintain a program to provide educational assistance to members of the Selected Reserve of the Ready Reserve of the Armed Forces. The Secretary of each military department shall, under regulations prescribed by the Secretary of Defense, provide to individuals who meet the eligibility requirements under section 3302 of this title the opportunity to receive educational assistance under this subchapter and shall maintain a program to increase the rate of educational assistance under this subchapter in accordance with subsection (i).

“(b) AMOUNT OF PAYMENT.—(1) Each educational assistance program established under subsection (a) shall provide for payment by the Secretary of Veterans Affairs of an educational assistance allowance to each person entitled to educational assistance under this subchapter who is pursuing a program of education. Except as provided in subsections (d) through (f), the educational assistance allowance shall be paid at the rates in effect under the former chapter 1606 of title 10, as in effect immediately before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008, as increased under paragraph (3).

“(2) For each month of less than half-time pursuit of a program of education, educational assistance under this subchapter shall be paid at a rate of 25 percent of the amount payable for a month of full-time pursuit of a program of education, except that no payment may be made to a person for less than half-time pursuit if tuition assistance is otherwise available to the person for such pursuit from the military department concerned.

“(3) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the rates payable under subparagraphs (A), (B), and (C) of paragraph (1) equal to the percentage by which—

“(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

“(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

“(c) APPROVED PROGRAMS OF EDUCATION; MAXIMUM MONTHS OF ASSISTANCE.—(1) Educational assistance may be provided under this subchapter for pursuit of any program of education that is an approved program of education for purposes of chapter 30 of this title.

“(2) Subject to section 3695 of this title, the maximum number of months of educational assistance that may be provided to any person under this subchapter is 36 (or the equivalent thereof in part-time educational assistance).

“(3)(A) Notwithstanding any other provision of this subchapter or chapter 36 of this title, any payment of an educational assistance allowance described in subparagraph (B) of this paragraph shall not—

“(i) be charged against the entitlement of any individual under this subchapter; or

“(ii) be counted toward the aggregate period for which section 3695 of this title limits an individual's receipt of assistance.

“(B) The payment of the educational assistance allowance referred to in subparagraph (A) of this paragraph is the payment of such an allowance to the individual for pursuit of a course or courses under this subchapter if the Secretary of Veterans Affairs finds that the individual—

“(i) had to discontinue such course pursuit as a result of being ordered to serve on active duty under section 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; and

“(ii) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in clause (i), the individual's course pursuit.

“(C) The period for which, by reason of this subsection, an educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time, as determined under subparagraph (B)(ii).

“(d) PROGRAMS OF APPRENTICESHIP.—(1) Except as provided in paragraph (2), the amount of the monthly educational assistance allowance payable to a person pursuing a full-time program of apprenticeship or other on-the-job training under this subchapter is—

“(A) for each of the first six months of the person's pursuit of such program, 75 percent of the monthly educational assistance allowance otherwise payable to such person under this subchapter;

“(B) for each of the second six months of the person's pursuit of such program, 55 percent of such monthly educational assistance allowance; and

“(C) for each of the months following the first 12 months of the person's pursuit of such program, 35 percent of such monthly educational assistance allowance.

“(2) In any month in which any person pursuing a program of education consisting of a program of apprenticeship or other on-the-job training fails to complete 120 hours of training, the amount of the monthly educational assistance allowance payable under this subchapter to the person shall be limited to the same proportion of the applicable full-time rate as the number of hours worked during such month, rounded to the nearest 8 hours, bears to 120 hours.

“(3)(A) Except as provided in subparagraph (B), for each month that such person is paid a monthly educational assistance allowance under this subchapter, the person's entitlement under this subchapter shall be charged at the rate of—

“(i) 75 percent of a month in the case of payments made in accordance with paragraph (1)(A);

“(ii) 55 percent of a month in the case of payments made in accordance with paragraph (1)(B); and

“(iii) 35 percent of a month in the case of payments made in accordance with paragraph (1)(C).

“(B) Any such charge to the entitlement shall be reduced proportionately in accordance with the reduction in payment under paragraph (2).

“(e) CORRESPONDENCE COURSES.—(1)(A) The amount of the educational assistance allowance payable under this subchapter to a person who enters into an agreement to pursue, and is pursuing, a program of education exclusively by correspondence is an amount equal to 55 percent of the established charge which the institution requires nonveterans to pay for the course or courses pursued by such person.

“(B) For purposes of subparagraph (A), the term 'established charge' means the lesser of—

“(i) the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency; or

“(ii) the actual charge to the person for such course or courses.

“(C) Such allowance shall be paid quarterly on a pro rata basis for the lessons completed by the person and serviced by the institution.

“(2) In each case in which the amount of educational assistance is determined under paragraph (1), the period of entitlement of the person concerned shall be charged with one month for each amount equal to the amount of the monthly rate payable under subsection (b)(1)(A) for the fiscal year concerned which is paid to the individual as an educational assistance allowance.

“(f) FLIGHT TRAINING.—(1) The Secretary of Veterans Affairs may approve the pursuit of flight training (in addition to a course of flight training that may be approved under section 3680A(b) of this title) by an individual entitled to educational assistance under this subchapter if—

“(A) such training is generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation;

“(B) the individual possesses a valid private pilot certificate and meets, on the day the individual begins a course of flight training, the medical requirements necessary for a commercial pilot certificate; and

“(C) the flight school courses meet Federal Aviation Administration standards for such courses and are approved by the Federal Aviation Administration and the State approving agency.

“(2) Each individual who is pursuing a program of education consisting exclusively of flight training approved as meeting the requirements of paragraph (1) shall be paid an educational assistance allowance under this subchapter in the amount equal to 60 percent of the established charges for tuition and fees which similarly circumstanced non-veterans enrolled in the same flight course are required to pay.

“(3) No educational assistance allowance may be paid under this subchapter to an individual for any month during which such individual is pursuing a program of education consisting exclusively of flight training until the Secretary has received from that individual and the institution providing such training a certification of the flight training received by the individual during that month and the tuition and other fees charged for that training.

“(4) The period of entitlement of an individual pursuing a program of education de-

scribed in paragraph (1) shall be charged with one month for each amount equal to the amount of the monthly rate payable under subsection (b)(1)(A) for the fiscal year concerned which is paid to that individual as an educational assistance allowance for such program.

“(5) The number of solo flying hours for which an individual may be paid an educational assistance allowance under this subsection may not exceed the minimum number of solo flying hours required by the Federal Aviation Administration for the flight rating or certification which is the goal of the individual's flight training.

“(g) INDIVIDUALIZED TUTORIAL ASSISTANCE.—(1)(A) Subject to subparagraph (B), the Secretary of Veterans Affairs shall approve individualized tutorial assistance for any person entitled to educational assistance under this subchapter who—

“(i) is enrolled in and pursuing a postsecondary course of education on a half-time or more basis at an educational institution; and

“(ii) has a deficiency in a subject required as a part of, or which is prerequisite to, or which is indispensable to the satisfactory pursuit of, the program of education.

“(B) The Secretary of Veterans Affairs shall not approve individualized tutorial assistance for a person pursuing a program of education under this paragraph unless such assistance is necessary for the person to successfully complete the program of education.

“(2)(A) Subject to subparagraph (B), the Secretary of Veterans Affairs shall pay to a person receiving individualized tutorial assistance pursuant to paragraph (1) a tutorial assistance allowance. The amount of the allowance payable under this paragraph may not exceed \$100 for any month, nor aggregate more than \$1,200. The amount of the allowance paid under this paragraph shall be in addition to the amount of educational assistance allowance payable to a person under this subchapter.

“(B) A tutorial assistance allowance may not be paid to a person under this paragraph until the educational institution at which the person is enrolled certifies that—

“(i) the individualized tutorial assistance is essential to correct a deficiency of the person in a subject required as a part of, or which is prerequisite to, or which is indispensable to the satisfactory pursuit of, an approved program of education;

“(ii) the tutor chosen to perform such assistance is qualified to provide such assistance and is not the person's parent, spouse, child (whether or not married or over eighteen years of age), brother, or sister; and

“(iii) the charges for such assistance do not exceed the customary charges for such tutorial assistance.

“(3)(A) A person's period of entitlement to educational assistance under this subchapter shall be charged only with respect to the amount of tutorial assistance paid to the person under this subsection in excess of \$600.

“(B) A person's period of entitlement to educational assistance under this subchapter shall be charged at the rate of one month for each amount of assistance paid to the individual under this section in excess of \$600 that is equal to the amount of the monthly educational assistance allowance which the person is otherwise eligible to receive for full-time pursuit of an institutional course under this subchapter.

“(h) COURSES BEYOND BACCALAUREATE DEGREE.—A program of education in a course of instruction beyond the baccalaureate degree level shall be provided under this subchapter, subject to the availability of appropriations.

“(i) SPECIAL SKILLS.—(1) In the case of a person who has a skill or specialty designated by the Secretary of the military department concerned as a skill or specialty in

which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary of the military department concerned may increase the rate of the educational assistance allowance applicable to that person to such rate in excess of the rate prescribed under subparagraphs (A) through (D) of subsection (b)(1) as the Secretary of Defense considers appropriate, but the amount of any such increase may not exceed \$350 per month.

“(2) In the case of a person who has a skill or specialty designated by the Secretary of the military department concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, who is eligible for educational benefits under chapter 30 (other than section 3012) of this title and who meets the eligibility criteria specified in subparagraphs (A) and (B) of section 3302(a)(1) of this title, the Secretary of the military department concerned may increase the rate of the educational assistance allowance applicable to that person to such rate in excess of the rate prescribed under section 3015 of this title as the Secretary of Defense considers appropriate, but the amount of any such increase may not exceed \$350 per month.

“(3) The authority provided by paragraphs (1) and (2) shall be exercised by the Secretaries of the military departments under regulations prescribed by the Secretary of Defense.

“(j) LICENSING AND CERTIFICATION.—(1) Subject to paragraph (3), the amount of educational assistance payable under this subchapter for a licensing or certification test described in section 3452(b) of this title is the lesser of \$2,000 or the fee charged for the test.

“(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance which, but for paragraph (1), such individual would otherwise be paid under subsection (b).

“(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this subsection.

#### § 3302. Eligibility for educational assistance

“(a) ELIGIBILITY.—A person who—

“(1) after June 30, 1985—

“(A) enlists, reenlists, or extends an enlistment as a Reserve for service in the Selected Reserve for a period of not less than six years; or

“(B) is appointed as, or is serving as, a reserve officer and agrees to serve in the Selected Reserve for a period of not less than six years in addition to any other period of obligated service in the Selected Reserve to which the person may be subject; and

“(2) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or an equivalency certificate);

is entitled to educational assistance under section 3301 of this title.

“(b) ACTIVE DUTY FOR TRAINING REQUIRED.—Educational assistance may not be provided to a member under this subchapter until the member has completed the initial period of active duty for training required of the member.

“(c) NOTIFICATION.—Each person who becomes entitled to educational assistance under subsection (a) shall at the time the person becomes so entitled be given a statement in writing summarizing the provisions

of this subchapter and stating clearly and prominently the substance of sections 3304 and 3305 of this title as such sections may apply to the person. At the request of the Secretary of Veterans Affairs, the Secretary of Defense shall transmit a notice of entitlement for each such person to that Secretary.

“(d) BAR FROM DUAL ELIGIBILITY.—A person who serves in the Selected Reserve may not receive credit for such service under both the program established by chapter 30 of this title and the program established by this subchapter but shall elect (in such form and manner as the Secretary of Veterans Affairs may prescribe) the program to which such service is to be credited. However, a person may not receive credit under the program established by this subchapter for service (in any grade) on full-time active duty or full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components in a position which is included in the end strength required to be authorized each year by section 115(a)(1)(B) of title 10.

#### § 3303. Time limitation for use of entitlement

“(a) TIME LIMITATION.—Except as provided in subsection (b), the period during which a person entitled to educational assistance under this subchapter may use such person's entitlement expires: (1) at the end of the 14-year period beginning on the date on which such person becomes entitled to such assistance; or (2) on the date the person is separated from the Selected Reserve, whichever occurs first.

“(b) EXCEPTIONS.—(1) In the case of a person—

“(A) who is separated from the Selected Reserve because of a disability which was not the result of the individual's own willful misconduct incurred on or after the date on which such person became entitled to educational assistance under this subchapter; or

“(B) who, on or after the date on which such person became entitled to educational assistance under this subchapter ceases to be a member of the Selected Reserve during the period beginning on October 1, 1991, and ending on December 31, 2001, by reason of the inactivation of the person's unit of assignment or by reason of involuntarily ceasing to be designated as a member of the Selected Reserve pursuant to section 10143(a) of title 10, the period for using entitlement prescribed by subsection (a) shall be determined without regard to clause (2) of such subsection.

“(2) The provisions of section 3031(f) of this title shall apply to the period of entitlement prescribed by subsection (a).

“(3) The provisions of section 3031(d) of this title shall apply to the period of entitlement prescribed by subsection (a) in the case of a disability incurred in or aggravated by service in the Selected Reserve.

“(4) In the case of a member of the Selected Reserve of the Ready Reserve who serves on active duty pursuant to an order to active duty issued under section 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10—

“(A) the period of such active duty service plus four months shall not be considered in determining the expiration date applicable to such member under subsection (a); and

“(B) the member may not be considered to have been separated from the Selected Reserve for the purposes of clause (2) of such subsection by reason of the commencement of such active duty service.

#### § 3304. Termination of assistance

“Educational assistance may not be provided under this subchapter—

“(1) to a member receiving financial assistance under section 2107 of title 10 as a member of the Senior Reserve Officers' Training Corps program; or

“(2) to a member who fails to participate satisfactorily in required training as a member of the Selected Reserve.

#### § 3305. Failure to participate satisfactorily; penalties

“(a) PENALTIES.—At the option of the Secretary of the military department concerned, in consultation with the Secretary of Veterans Affairs, a member of the Selected Reserve of an armed force who does not participate satisfactorily in required training as a member of the Selected Reserve during a term of enlistment or other period of obligated service that created entitlement of the member to educational assistance under this subchapter, and during which the member has received such assistance, may—

“(1) be ordered to active duty for a period of two years or the period of obligated service the person has remaining under section 3302 of this title, whichever is less; or

“(2) be subject to repayment requirements prescribed by the Secretary of Veterans Affairs that are similar to the repayment provisions under section 303a(e) of title 37.

“(b) COLLECTION OF FUNDS.—The Secretary of Veterans Affairs shall collect any amount required to be repaid under subsection (a)(2).

“(c) EFFECT OF REPAYMENT.—Any repayment under subsection (a)(2) shall not affect the period of obligation of a member to serve as a Reserve in the Selected Reserve.

#### § 3306. Administration of program

“(a) PAYMENTS.—(1) Except as provided under paragraph (2), payments for educational assistance under this subchapter shall be made from funds appropriated or otherwise made available to the Department of Veterans Affairs for fiscal year 2009 or any subsequent fiscal year for the payment of readjustment benefits.

“(2) Payments for increases in rates of educational assistance under section 3301(i) shall be made from amounts in the Department of Defense Education Benefits Fund under section 2006 of title 10. Amounts for such payments shall be made available to the Secretary in accordance with the provisions of section 2006(d) of title 10.

“(b) PROGRAM MANAGEMENT.—Except as otherwise provided in this subchapter, the provisions of sections 3470, 3471, 3474, 3476, 3482(g), 3483, and 3485 of this title and the provisions of subchapters I and II of chapter 36 of this title (with the exception of sections 3686(a) and 3687) shall be applicable to the provision of educational assistance under this subchapter. The term ‘eligible veteran’ and the term ‘person’, as used in those provisions, shall be deemed for the purpose of the application of those provisions to this subchapter to refer to a person eligible for educational assistance under this subchapter.

“(c) APPLICATION OF BENEFITS.—The Secretary of Veterans Affairs may not make a distinction in the application of educational assistance benefits under this subchapter on the basis of whether a person who is eligible for educational assistance under this subchapter first became so eligible under former chapter 1606 of title 10, as in effect immediately on September 30, 2008.

#### § 3307. Biennial report to Congress

“The Secretary of Veterans Affairs, in coordination with the Secretary of Defense, shall submit to Congress a report not later than March 1 of each odd-numbered year concerning the operation of the educational assistance program established by this subchapter during the preceding two fiscal years. Each such report shall include the number of members of the Selected Reserve of the Ready Reserve of each armed force receiving, and the number entitled to receive, educational assistance under this subchapter during those fiscal years. The Secretary may

submit the report more frequently and adjust the period covered by the report accordingly.

**“SUBCHAPTER II—RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND CERTAIN OTHER OPERATIONS**

**“§ 3321. Purpose**

“The purpose of this subchapter is to provide educational assistance to members of the reserve components called or ordered to active service in response to a war or national emergency declared by the President or Congress, in recognition of the sacrifices that those members make in answering the call to duty.

**“§ 3322. Educational assistance program**

“(a) PROGRAM ESTABLISHMENT.—The Secretary of Veterans Affairs, shall establish and maintain a program as prescribed in this subchapter to provide educational assistance to members of the Ready Reserve of the Armed Forces. The Secretary of each military department shall, under regulations prescribed by the Secretary of Defense, provide to individuals who meet the eligibility requirements under section 3323 of this title the opportunity to receive educational assistance under this subchapter.

“(b) AUTHORIZED EDUCATION PROGRAMS.—Educational assistance may be provided under this subchapter for pursuit of any program of education that is an approved program of education for purposes of chapter 30 of this title.

“(c) BENEFIT AMOUNT.—(1) The educational assistance program established under subsection (a) shall provide for payment by the Secretary of Veterans Affairs of an educational assistance allowance to each member entitled to educational assistance under this subchapter who is pursuing a program of education authorized under subsection (b).

“(2) The educational assistance allowance provided under this subchapter shall be based on the applicable percent under paragraph (4) to the applicable rate provided under section 3015 of this title for a member whose entitlement is based on completion of an obligated period of active duty of three years.

“(3) The educational assistance allowance provided under this section for a person who is undertaking a program for which a reduced rate is specified in chapter 30 of this title, that rate shall be further adjusted by the applicable percent specified in paragraph (4).

“(4) The adjusted educational assistance allowance under paragraph (2) or (3), as applicable, shall be—

“(A) 40 percent in the case of a member of a reserve component who performed active service for 90 consecutive days but less than one continuous year;

“(B) 60 percent in the case of a member of a reserve component who performed active service for one continuous year but less than two continuous years; or

“(C) 80 percent in the case of a member of a reserve component who performed active service for two continuous years or more.

“(d) MAXIMUM MONTHS OF ASSISTANCE.—(1) Subject to section 3695 of this title, the maximum number of months of educational assistance that may be provided to any member under this subchapter is 36 (or the equivalent thereof in part-time educational assistance).

“(2)(A) Notwithstanding any other provision of this subchapter or chapter 36 of this title, any payment of an educational assistance allowance described in subparagraph (B) shall not—

“(i) be charged against the entitlement of any individual under this subchapter; or

“(ii) be counted toward the aggregate period for which section 3695 of this title limits an individual’s receipt of assistance.

“(B) The payment of the educational assistance allowance referred to in subparagraph (A) is the payment of such an allowance to the individual for pursuit of a course or courses under this subchapter if the Secretary of Veterans Affairs finds that the individual—

“(i) had to discontinue such course pursuit as a result of being ordered to serve on active duty under section 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; and

“(ii) failed to receive credit or training time toward completion of the individual’s approved educational, professional, or vocational objective as a result of having to discontinue, as described in clause (i), the individual’s course pursuit.

“(C) The period for which, by reason of this subsection, an educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time, as determined under subparagraph (B)(ii).

“(e) AVAILABILITY OF ASSISTANCE FOR LICENSING AND CERTIFICATION TESTS.—The provisions of section 3301(j) of this title shall apply to the provision of educational assistance under this subchapter, except that, in applying such section under this subchapter, the reference to subsection (b) in paragraph (2) of such section is deemed to be a reference to subsection (c) of this section.

“(f) FLIGHT TRAINING.—The Secretary of Veterans Affairs may approve the pursuit of flight training (in addition to a course of flight training that may be approved under section 3680A(b) of this title) by an individual entitled to educational assistance under this subchapter if—

“(1) such training is generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation;

“(2) the individual possesses a valid private pilot certificate and meets, on the day the member begins a course of flight training, the medical requirements necessary for a commercial pilot certificate; and

“(3) the flight school courses meet Federal Aviation Administration standards for such courses and are approved by the Federal Aviation Administration and the State approving agency.

**“§ 3323. Eligibility for educational assistance**

“(a) ELIGIBILITY.—On or after September 11, 2001, a member of a reserve component is entitled to educational assistance under this subchapter if the member—

“(1) served on active duty in support of a contingency operation for 90 consecutive days or more; or

“(2) in the case of a member of the Army National Guard of the United States or Air National Guard of the United States, performed full time National Guard duty under section 502(f) of title 32 for 90 consecutive days or more when authorized by the President or Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds.

“(b) DISABLED MEMBERS.—Notwithstanding the eligibility requirements in subsection (a), a member who was ordered to active service as prescribed under subsection (a)(1) or (a)(2) but is released from duty before completing 90 consecutive days because of an injury, illness or disease incurred or aggravated in the line of duty shall be entitled to educational assistance under this subchapter

at the rate prescribed in section 3322(c)(4)(A) of this title.

“(c) WRITTEN NOTIFICATION.—(1) Each member who becomes entitled to educational assistance under subsection (a) shall be given a statement in writing prior to release from active service that summarizes the provisions of this subchapter and stating clearly and prominently the substance of section 3325 of this title as such section may apply to the member.

“(2) At the request of the Secretary of Veterans Affairs, the Secretary of the military department concerned shall transmit a notice of entitlement for each such member to that Secretary.

“(d) BAR FROM DUAL ELIGIBILITY.—A member who qualifies for educational assistance under this subchapter may not receive credit for such service under both the program established by chapter 30 of this title and the program established by this subchapter but shall make an irrevocable election (in such form and manner as the Secretary of Veterans Affairs may prescribe) as to the program to which such service is to be credited.

“(e) BAR FROM DUPLICATION OF EDUCATIONAL ASSISTANCE ALLOWANCE.—(1) Except as provided in paragraph (2), an individual entitled to educational assistance under this subchapter who is also eligible for educational assistance under subchapter I of this chapter, chapter 30, 31, 32, or 35 of this title, or under the Hostage Relief Act of 1980 (Public Law 96-449; 5 U.S.C. 5561 note) may not receive assistance under more than one such programs and shall elect (in such form and manner as the Secretary of Veterans Affairs may prescribe) under which program the member elects to receive educational assistance.

“(2) The restriction on duplication of educational assistance under paragraph (1) does not apply to the entitlement of educational assistance under section 3301(i) of this title.

**“§ 3324. Time limit for use of entitlement**

“(a) DURATION OF ENTITLEMENT.—Except as provided in subsection (b), a member remains entitled to educational assistance under this subchapter while serving—

“(1) in the Selected Reserve of the Ready Reserve, in the case of a member called or ordered to active service while serving in the Selected Reserve; or

“(2) in the Ready Reserve, in the case of a member ordered to active duty while serving in the Ready Reserve (other than the Selected Reserve).

“(b) DURATION OF ENTITLEMENT FOR DISABLED MEMBERS.—(1) In the case of a person who is separated from the Ready Reserve because of a disability which was not the result of the individual’s own willful misconduct incurred on or after the date on which such person became entitled to educational assistance under this subchapter, such person’s entitlement to educational assistance expires at the end of the 10-year period beginning on the date on which such person became entitled to such assistance.

“(2) The provisions of subsections (d) and (f) of section 3031 of this title shall apply to the period of entitlement prescribed by paragraph (1).

**“§ 3325. Termination of assistance**

“(a) IN GENERAL.—Except as provided in subsection (b), educational assistance may not be provided under this subchapter, or if being provided under this subchapter, shall be terminated—

“(1) if the member is receiving financial assistance under section 2107 of title 10 as a member of the Senior Reserve Officers’ Training Corps program; or

“(2) when the member separates from the Ready Reserve, as provided for under section 3324(a)(1) or section 3324(a)(2), as applicable, of this title.

“(b) EXCEPTION.—Under regulations prescribed by the Secretary of Defense, educational assistance may be provided under this subchapter to a member of the Selected Reserve of the Ready Reserve who incurs a break in service in the Selected Reserve of not more than 90 days if the member continues to serve in the Ready Reserve during and after such break in service.

**“§ 3326. Administration of program**

“(a) PAYMENTS.—Payments for educational assistance under this subchapter shall be made from funds appropriated or otherwise made available to the Department of Veterans Affairs for fiscal year 2009 or any subsequent fiscal year for the payment of readjustment benefits.

“(b) PROGRAM MANAGEMENT.—Except as otherwise provided in this subchapter, the provisions of sections 3470, 3471, 3474, 3476, 3482(g), 3483, and 3485 of this title and the provisions of subchapters I and II of chapter 36 of this title (with the exception of sections 3686(a) and 3687) shall be applicable to the provision of educational assistance under this subchapter. The term ‘eligible veteran’ and the term ‘person’, as used in those provisions, shall be deemed for the purpose of the application of those provisions to this subchapter to refer to a person eligible for educational assistance under this subchapter.

“(c) APPLICATION OF BENEFITS.—The Secretary of Veterans Affairs may not make a distinction in the application of educational assistance benefits under this subchapter on the basis of whether a person who is eligible for educational assistance under this subchapter first became so eligible under former chapter 1607 of title 10, as in effect immediately on September 30, 2008.”.

**(b) TRANSFER OF AMOUNTS FOR BENEFITS ACCRUED BEFORE OCTOBER 1, 2008.—**

“(1) FISCAL YEAR 2009.—By not later than October 1, 2008, the Secretary of Defense shall transfer to the Secretary of Veterans Affairs from the funds in the Department of Defense Education Benefits Fund under section 2006 of title 10, United States Code, that are attributable to armed forces education liabilities under chapters 1606 and 1607 of such title (other than such liabilities under section 16131(i) of such title) that accrue before such date, such funds as may be required by the Secretary of Veterans Affairs to make payments with respect to such liabilities during fiscal year 2009. Such amounts shall be deposited into the Readjustment Benefits Account of the Department of Veterans Affairs and shall be used only by the Secretary of Veterans Affairs to make payments of educational assistance under chapter 33 of title 38, United States Code, as added by subsection (a). Funds deposited in the Readjustment Benefits Account under this paragraph may not be used to pay any benefit that is payable from the Readjustment Benefits Account other than a payment of educational assistance under chapter 33 of title 38, United States Code, as added by subsection (a).

“(2) TREATMENT OF RECEIPTS.—Receipts that would otherwise be credited to the account established for the payment of benefits under the Department of Defense Education Benefits Fund under section 2006 of title 10, United States Code, for the payment of benefits under the chapters 1606 and 1607 of such title (other than such benefits under section 16131(i) of such title), shall be credited to the Readjustment Benefits Account of the Department of Veterans Affairs and merged with funds deposited in that account under paragraph (1), to be available for the same purposes and subject to the same limitations as such funds.

“(3) AGREEMENT FOR SUBSEQUENT FISCAL YEARS.—By not later than October 1, 2008,

the Secretary of Defense and the Secretary of Veterans Affairs shall enter into an agreement under which the Secretary of Defense shall transfer to the Secretary of Veterans Affairs all remaining funds in the Department of Defense Education Benefits Fund under section 2006 of title 10, United States Code, that are attributable to armed forces liabilities under the former chapters 1606 and 1607 of such title (other than such liabilities under section 16131(i) of such title) that accrue before such date. Such amounts shall be deposited into the education account of the Readjustment Benefits Account of the Department of Veterans Affairs and shall be available to the Secretary of Veterans Affairs to make payments of educational assistance under chapter 33 of title 38, United States Code, as added by subsection (a).

“(4) REPORT.—By not later than October 1, 2008, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Veterans Affairs of the Senate, and the Committee on Veterans Affairs of the House of Representatives a detailed report on the agreement between the Secretary of Defense and the Secretary of Veterans Affairs and the status of the transfer of funds described in paragraph (2). Such report shall include the date on which the Secretary of Defense has agreed to complete such transfer.

“(c) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 32 the following new item:

**“33. Educational Assistance for Members of the Reserve Components .. 3301”.**

**(d) TECHNICAL AND CONFORMING AMENDMENTS.—**

**(1) CONFORMING AMENDMENTS ON BAR ON DUAL ELIGIBILITY FOR BENEFITS.—**

(A) Section 3033 of title 38, United States Code, is amended—

(i) in subsection (a)(1), by striking “chapter 106 or 107 of title 10” and inserting “under subchapter I or subchapter II of chapter 33 of this title, under chapter 107 of title 10”; and

(ii) in subsection (c), by striking “chapter 106 of title 10” and inserting “subchapter I of chapter 33 of this title”.

(B) Section 3221(f) of such title is amended by striking “chapter 106 of title 10” and inserting “subchapter I of chapter 33 of this title”.

(C) Section 3681 of such title is amended—

(i) in subsection (a), by striking “34, 35, or 36 of this title or 106 or 107 of title 10,” and inserting “33, 34, 35, or 36 of this title”; and

(ii) in subsection (b)—

(I) in paragraph (1), by inserting before the period the following: “, and subchapters I and II of chapter 33 of this title”; and

(II) in paragraph (2), by striking “Chapters 106 and” and inserting “Chapter”.

**(2) CONFORMING AMENDMENTS RELATING TO DEPARTMENT OF DEFENSE EDUCATION BENEFITS FUND.—**

“(A) DEFINITION OF ARMED FORCES EDUCATION LIABILITIES.—Paragraph (1) of section 2006(b) of title 10, United States Code, is amended to read as follows:

“(1) The term ‘armed forces education liabilities’ means liabilities of the armed forces for benefits under chapter 30 and section 3301(i) of title 38 and for Department of Defense benefits under paragraphs (3) and (4) of section 510(e) of this title, including funds provided by the Secretary of Homeland Security for education liabilities for the Coast Guard when it is not operating as a service in the Department of the Navy.”.

(B) DEFINITION OF NORMAL COST.—Paragraph (2) of such section is amended by strik-

ing subparagraph (C) and inserting the following new subparagraph:

“(C) The present value of the future Department of Defense benefits payable from the Fund (including funds from the Department in which the Coast Guard is operating) for educational assistance under section 3301(i) of title 38 to persons who during such period become entitled to such assistance.”.

**(3) CROSS-REFERENCE AMENDMENTS.—**

**(A) CHAPTER 106 OF TITLE 10, UNITED STATES CODE.—**

(i) Section 2131 of title 10, United States Code, is amended to read as follows:

**“§ 2131. Reference to subchapter I of chapter 33 of title 38**

“Provisions of law related to educational assistance for members of the Selected Reserve under the Montgomery GI Bill program, as formerly set forth in this chapter and chapter 1606 of this title, are set forth in subchapter I of chapter 33 of title 38 (beginning with section 3301 of title 38).”.

(ii) The table of sections at the beginning of chapter 106 of such title is amended by striking the item relating to section 2131 and inserting the following new item:

“2131. Reference to subchapter I of chapter 33 of title 38.”.

**(B) CHAPTER 1606 OF TITLE 10, UNITED STATES CODE.—**Chapter 1606 of such title is amended by striking all after the chapter heading and inserting the following:

“Sec.

“16131. Reference to subchapter I of chapter 33 of title 38.

**“§ 16131. Reference to subchapter I of chapter 33 of title 38**

“Provisions of law related to educational assistance for members of the Selected Reserve under the Montgomery GI Bill program, as formerly set forth in this chapter, are set forth in subchapter I of chapter 33 of title 38 (beginning with section 3301 of that title).”.

**(C) CHAPTER 1607 OF TITLE 10, UNITED STATES CODE.—**Chapter 1607 of such title is amended by striking all after the chapter heading and inserting the following:

“Sec.

“16161. Reference to subchapter II of chapter 33 of title 38.

**“§ 16161. Reference to subchapter II of chapter 33 of title 38**

“Provisions of law related to educational assistance for members of the reserve components of the Armed Forces supporting contingency operations and certain other operations, as formerly set forth in this chapter, are set forth in subchapter II of chapter 33 of title 38 (beginning with section 3321 of that title).”.

**(4) ADDITIONAL CONFORMING AMENDMENTS.—**

**(A) TITLE 38, UNITED STATES CODE.—**

(i) Section 3485 of title 38, United States Code, is amended—

(I) in subsection (a)(4)(E), by striking “chapter 1606 or 1607 of title 10” and inserting “chapter 33 of this title”;

(II) in subsection (b), by striking “chapter 30, 31, 32, or 34 of this title or chapter 1606 or 1607 of title 10,” and inserting “chapter 30, 31, 32, 33, or 34 of this title”; and

(III) in subsection (e)(1)—

(aa) by striking “, chapter 30, 31, 32, 35, or 36 of this title, or chapter 1606 or 1607 of title 10” and inserting “or chapter 30, 31, 32, 33, 35, or 36 of this title”; and

(bb) by striking “section 2135 of such title” and inserting “section 3305 of this title”.

(ii) Section 3672(c) of such title is amended—

(I) in paragraph (3)(A), by striking “chapters 30 and 35 of this title and chapter 1606 of title 10” and inserting “chapters 30, 33, and 35 of this title”; and

(II) in paragraph (4), by striking “chapter 30 or 35 of this title, or chapter 1606 of title 10, as the case may be” and inserting “chapter 30, 33, or 35 of this title”.

(iii) Section 3674 of such title is amended—  
(I) in subsection (a)(1), by striking “and chapter 106 of title 10”; and

(II) in subsection (c), by inserting “33,” after “32.”.

(iv) Section 3680A(d)(1) of such title is amended—  
(I) by striking “or under chapter 106 of title 10” the first place it appears; and

(II) by striking “or chapter 30, 31, 32, or 35 of this title or under chapter 106 of title 10” and inserting “or chapter 30, 31, 32, 33, or 35 of this title”.

(v) Section 3684A(a)(1) of such title is amended by striking “chapter 30 or 32 of this title or in chapter 106 of title 10” and inserting “chapter 30, 32, or 33 of this title”.

(vi) Section 3688(b) of such title is amended by striking “, chapter 30, 32, or 35 of this title, or chapter 106 of title 10” and inserting “or chapter 30, 32, 33, or 35 of this title”.

(vii) Section 3689 of such title is amended by inserting “33,” after “32,” each place it appears.

(viii) Section 3692 of such title is amended—  
(I) in subsection (a), by striking “or 35 of this title and chapter 1606 of title 10” and inserting “33, or 35 of this title”; and

(II) in subsection (b), by striking “, chapters 30, 32, and 35 of this title, and chapter 1606 of title 10” and inserting “and chapters 30, 32, 33, and 35 of this title”.

(ix) Section 3695(a) of such title is amended—  
(I) by striking paragraph (4) and inserting the following new paragraph (4):

“(4) Chapters 30, 32, 34, 35, and 36 of this title and subchapters I and II of chapter 33 of this title.”; and

(II) in paragraph (5), by striking “, 1606, 1607.”.

(x) Section 3697(a) of such title is amended by striking “chapter 30, 32, 34, or 35 of this title, or chapter 106 of title 10,” and inserting “chapter 30, 32, 33, 34, or 35 of this title”.

(xi) Section 3697A(b)(1) of such title is amended by striking “or 32 of this title or chapter 106” and inserting “32, or 33 of this title or chapter”.

(B) TITLE 10, UNITED STATES CODE.—Section 510(h) of title 10, United States Code, is amended—

(i) in paragraph (1)—  
(I) in subparagraph (A), by striking “additional educational assistance under chapter 1606 of this title or to basic educational assistance under subchapter II of chapter 30 of title 38” and inserting “basic educational assistance under subchapter II of chapter 30 of title 38 or educational assistance under subchapter I of chapter 33 of that title”; and

(II) in subparagraph (B)—  
(aa) by striking “chapter 1606 of this title or chapter 30 of title 38” and inserting “chapter 30 or subchapter I of chapter 33 of title 38”; and

(bb) by striking “either such chapter” each place it appears and inserting “either such provisions”; and

(ii) in paragraph (3)(A), by striking “educational assistance under chapter 1606 of this title” and all that follows through “as the case may be” and inserting “basic educational assistance under chapter 30 of title 38 or educational assistance under subchapter I of chapter 33 of that title from an entitlement to such basic educational assistance under chapter 30 of that title or educational assistance under subchapter I of that title, as the case may be”.

(C) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Section 2304(g) of the Elementary and Secondary Education Act of 1965 (20

U.S.C. 6674(g)) is amended by striking “chapter 30 of title 38 or chapter 1606 of title 10” and inserting “chapter 30 or 33 of title 38”.

(D) INTERNAL REVENUE CODE OF 1986.—Section 25A(g)(2)(B) of the Internal Revenue Code of 1986 is amended by striking “chapter 30, 31, 32, 34, or 35 of title 38, United States Code, or under chapter 1606 of title 10, United States Code” and inserting “chapter 30, 31, 32, 33, 34, or 35 of title 38, United States Code”.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2008.

**SA 2073.** Mr. LIEBERMAN (for himself, Mr. McCAIN, Mr. KYL, Mr. GRAHAM, Mr. COLEMAN, Ms. COLLINS, Mr. SESSIONS, Mr. LEVIN, Mr. SALAZAR, and Mr. CRAIG) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of title XV, add the following:

**SEC. 1535. REPORT ON SUPPORT FROM IRAN FOR ATTACKS AGAINST COALITION FORCES IN IRAQ.**

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

(1) Since January 19, 1984, the Secretary of State has designated the Islamic Republic of Iran as a “state sponsor of terrorism,” one of only five countries in the world at present so designated.

(2) The Department of State, in its most recent “Country Reports on Terrorism,” stated that “Iran remained the most active state sponsor of terrorism” in 2006.

(3) The most recent Country Reports on Terrorism report further stated, “Iran continued [in 2006] to play a destabilizing role in Iraq... Iran provided guidance and training to select Iraqi Shia political groups, and weapons and training to Shia militant groups to enable anti-Coalition attacks. Iranian government forces have been responsible for at least some of the increasing lethality of anti-Coalition attacks by providing Shia militants with the capability to build IEDs with explosively formed projectiles similar to those developed by Iran and Lebanese Hezbollah. The Iranian Revolutionary Guard was linked to armor-piercing explosives that resulted in the deaths of Coalition Forces.”

(4) In an interview published on June 7, 2006, Zalmay Khalilzad, then-United States ambassador to Iraq, said of Iranian support for extremist activity in Iraq, “We can say with certainty that they support groups that are attacking coalition troops. These groups are using the same ammunition to destroy armored vehicles that the Iranians are supplying to Hezbollah in Lebanon. They pay money to Shiite militias and they train some of the groups. We can’t say whether Teheran is supporting Al Qaeda, but we do know that Al Qaeda people come here from Pakistan through Iran. And Ansar al Sunna, a partner organization of Zarqawi’s network, has a base in northwest Iran.”

(5) On April 26, 2007, General David Petraeus, commander of Multi-National Force-Iraq, said of Iranian support for extremist activity in Iraq, “The level of financing, the level of training on Iranian soil, the level of equipping some sophisticated technologies... even advice in some cases,

has been very, very substantial and very harmful.”

(6) On April 26, 2007, General Petraeus also said of Iranian support for extremist activity in Iraq, “We know that it goes as high as [Brig. Gen. Qassem] Suleimani, who is the head of the Qods Force.... We believe that he works directly for the supreme leader of the country.”

(7) On May 27, 2007, then-Major General William Caldwell, spokesperson for Multi-National Force-Iraq, said, “What we do know is that the Iranian intelligence services, the Qods Force, is in fact both training, equipping, and funding Shia extremist groups... both in Iraq and also in Iran.... We have in detention now people that we have captured that, in fact, are Sunni extremist-related that have, in fact, received both some funding and training from the Iranian intelligence services, the Qods Force.”

(8) On February 27, 2007, in testimony before the Committee on Armed Services of the Senate, Lieutenant General Michael Maples, director of the Defense Intelligence Agency, said of Iranian support for extremist activity in Iraq, “We believe Hezbollah is involved in the training as well.”

(9) On July 2, 2007, Brigadier General Kevin Bergner, spokesperson for Multi-National Force-Iraq, stated, “The Iranian Qods Force is using Lebanese Hezbollah essentially as a proxy, as a surrogate in Iraq.”

(10) On July 2, 2007, Brigadier General Bergner detailed the capture in southern Iraq by coalition forces of Ali Musa Daqdaq, whom the United States military believes to be a 24-year veteran of Lebanese Hezbollah involved in the training of Iraqi extremists in Iraq and Iran.

(11) The Department of State designates Hezbollah a foreign terrorist organization.

(12) On July 2, 2007, Brigadier General Bergner stated that the Iranian Qods Force operates three camps near Teheran where it trains Iraqi extremists in cooperation with Lebanese Hezbollah, stating, “The Qods Force, along with Hezbollah instructors, train approximately 20 to 60 Iraqis at a time, sending them back to Iraq organized into these special groups. They are being taught how to use EPFs [explosively formed penetrators], mortars, rockets, as well as intelligence, sniper, and kidnapping operations.”

(13) On July 2, 2007, Brigadier General Bergner stated that Iraqi extremists receive between \$750,000 and \$3,000,000 every month from Iranian sources.

(14) On July 2, 2007, Brigadier General Bergner stated that “[o]ur intelligence reveals that senior leadership in Iran is aware of this activity” and that it would be “hard to imagine” that Ayatollah Ali Khamenei, the Supreme Leader of Iran, is unaware of it.

(15) On July 2, 2007, Brigadier General Bergner stated, “There does not seem to be any follow-through on the commitments that Iran has made to work with Iraq in addressing the destabilizing security issues here in Iraq.”

(16) On February 11, 2007, the United States military held a briefing in Baghdad at which its representatives stated that at least 170 members of the United States Armed Forces have been killed, and at least 620 wounded, by weapons tied to Iran.

(17) On January 20, 2007, a sophisticated attack was launched by insurgents at the Karbala Provincial Joint Coordination Center in Iraq, resulting in the murder of five American soldiers, four of whom were first abducted.

(18) On April 26, 2007, General Petraeus stated that the so-called Qazali network was responsible for the attack on the Karbala

Provincial Joint Coordination Center and that “there’s no question that the Qazali network is directly connected to the Iranian Qods force [and has] received money, training, arms, ammunition, and at some points in time even advice and assistance and direction”.

(19) On July 2, 2007, Brigadier General Bergner stated that the United States Armed Forces possesses documentary evidence that the Qods Force had developed detailed information on the United States position at the Karbala Provincial Joint Coordination Center “regarding our soldiers’ activities, shift changes, and defenses, and this information was shared with the attackers”.

(20) On July 2, 2007, Brigadier General Bergner stated of the January 20 Karbala attackers, “[They] could not have conducted this complex operation without the support and direction of the Qods Force.”

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

(1) the murder of members of the United States Armed Forces by a foreign government or its agents is an intolerable and unacceptable act of hostility against the United States by the foreign government in question; and

(2) the Government of the Islamic Republic of Iran must take immediate action to end all training, arming, equipping, funding, advising, and any other forms of support that it or its agents are providing, and have provided, to Iraqi militias and insurgents, who are contributing to the destabilization of Iraq and are responsible for the murder of members of the United States Armed Forces.

(c) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and every 60 days thereafter, the Commander, Multi-National Forces Iraq and the United States Ambassador to Iraq shall jointly submit to Congress a report describing and assessing in detail—

(A) the external support or direction provided to anti-coalition forces by the Government of the Islamic Republic of Iran or its agents;

(B) the strategy and ambitions in Iraq of the Government of the Islamic Republic of Iran; and

(C) any counter-strategy or efforts by the United States Government to counter the activities of agents of the Government of the Islamic Republic of Iran in Iraq.

(2) FORM.—Each report required under paragraph (1) shall be in unclassified form, but may contain a classified annex.

**SA 2074.** Mrs. LINCOLN (for herself, Ms. COLLINS, Mr. CRAPO, Mr. DURBIN, Mr. COLEMAN, Mr. BROWN, Mr. KERRY, Mr. LEAHY, Mr. PRYOR, Mr. HARKIN, Mr. CASEY, Ms. SNOWE, Ms. MIKULSKI, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 673. MODIFICATION OF TIME LIMIT FOR USE OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.**

(a) MODIFICATION.—Section 16164(a) of title 10, United States Code, is amended by strik-

ing “this chapter while serving—” and all that follows and inserting “this chapter—

“(1) while the member is serving—

“(A) in the Selected Reserve of the Ready Reserve, in the case of a member called or ordered to active service while serving in the Selected Reserve; or

“(B) in the Ready Reserve, in the case of a member ordered to active duty while serving in the Ready Reserve (other than the Selected Reserve); and

“(2) in the case of a person who separates from the Selected Reserve of the Ready Reserve after completion of a period of active service described in section 16163 of this title and completion of a service contract under other than dishonorable conditions, during the 10-year period beginning on the date on which the person separates from the Selected Reserve.”

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 16165(a) of such title is amended to read as follows:

“(2) when the member separates from the Ready Reserve as provided in section 16164(a)(1) of this title, or upon completion of the period provided for in section 16164(a)(2) of this title, as applicable.”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 28, 2004, as if included in the enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375), to which such amendments relate.

**SA 2075.** Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXIV, add the following:

**SEC. 2406. CONSTRUCTION OF SPECIAL OPERATIONS FORCES CV-22 SIMULATOR FACILITY AT CANNON AIR FORCE BASE, NEW MEXICO.**

(a) AUTHORIZATION FOR PROJECTS.—

(1) IN GENERAL.—The amount set forth in the item relating to Cannon Air Force Base, New Mexico, in the table entitled “Special Operations Command” in section 2401(a) is hereby increased by \$7,500,000.

(2) PROJECT AUTHORIZED.—The amount authorized to acquire real property and carry out military construction projects for the Special Operations Command at Cannon Air Force Base, New Mexico, pursuant to paragraph (1) may be available for the construction of a Special Operations Forces CV-22 Simulator Facility.

(b) INCREASE IN AMOUNT AUTHORIZED TO BE APPROPRIATED.—The amount authorized to be appropriated by section 2403 for military construction, land acquisition, and military family housing functions of the Department of Defense and the amount designated under paragraph (1) of such section for military construction projects inside the United States are each increased by \$7,500,000.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby reduced by \$7,500,000.

**SA 2076.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008

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

At the end of title VI, add the following:

**Subtitle G—Pay Protection for Members of the National Guard and Reserve**

**SEC. 691. SHORT TITLE.**

This subtitle may be cited as the “Helping Our Patriotic Employers at Helping Our Military Employees Act of 2007” or the “HOPE at HOME Act of 2007”.

**SEC. 692. NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNIFORMED SERVICES.**

(a) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

**“§ 5538. Nonreduction in pay while serving in the uniformed services**

“(a) An employee who is absent from a position of employment with the Federal Government in order to perform service in the uniformed services for a period of more than 90 days shall be entitled to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

“(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee’s civilian employment with the Government had not been interrupted by that service, exceeds (if at all)

“(2) the amount of pay and allowances which (as determined under subsection (d))—

“(A) is payable to such employee for that service; and

“(B) is allocable to such pay period.

“(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee’s civilian employment had not been interrupted)—

“(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

“(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee’s civilian employment with the Government.

“(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

“(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

“(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of service in the uniformed services.

“(C) Any amount payable under this section to an employee shall be paid—

“(1) by such employee’s employing agency;

“(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

“(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee’s civilian employment had not been interrupted.

“(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

“(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

“(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

“(f) For purposes of this section—

“(1) the terms ‘employee’, ‘Federal Government’, and ‘uniformed services’ have the same respective meanings as given in section 4303 of title 38;

“(2) the term ‘service in the uniformed services’ has the meaning given that term in section 4303 of title 38 and includes duty performed by a member of the National Guard under section 502(f) of title 32 at the direction of the Secretary of the Army or Secretary of the Air Force;

“(3) the term ‘employing agency’, as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

“(4) the term ‘basic pay’ includes any amount payable under section 5304.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

“5538. Nonreduction in pay while serving in the uniformed services.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as added by this section) beginning on or after September 11, 2001.

**SEC. 693. READY RESERVE-NATIONAL GUARD EMPLOYEE CREDIT ADDED TO GENERAL BUSINESS CREDIT.**

(a) READY RESERVE-NATIONAL GUARD CREDIT.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following:

**“SEC. 450. READY RESERVE-NATIONAL GUARD EMPLOYEE CREDIT.**

“(a) GENERAL RULE.—For purposes of section 38, the Ready Reserve-National Guard employee credit determined under this section for any taxable year is an amount equal to 50 percent of the actual compensation amount for such taxable year.

“(b) DEFINITION OF ACTUAL COMPENSATION AMOUNT.—For purposes of this section, the term ‘actual compensation amount’ means the amount of compensation paid or incurred by an employer with respect to a Ready Reserve-National Guard employee on any day during a taxable year when the employee was absent from employment for the purpose of performing qualified active duty.

“(c) LIMITATION.—No credit shall be allowed with respect to a Ready Reserve-National Guard employee who performs qualified active duty on any day on which the employee was not scheduled to work (for reason other than to participate in qualified active duty).

“(d) DEFINITIONS.—For purposes of this section—

“(1) QUALIFIED ACTIVE DUTY.—The term ‘qualified active duty’ means—

“(A) active duty, other than the training duty specified in section 10147 of title 10, United States Code (relating to training requirements for the Ready Reserve), or section 502(a) of title 32, United States Code (relating to required drills and field exercises

for the National Guard), in connection with which an employee is entitled to reemployment rights and other benefits or to a leave of absence from employment under chapter 43 of title 38, United States Code, and

“(B) hospitalization incident to such duty.

“(2) COMPENSATION.—The term ‘compensation’ means any remuneration for employment, whether in cash or in kind, which is paid or incurred by a taxpayer and which is deductible from the taxpayer’s gross income under section 162(a)(1).

“(3) READY RESERVE-NATIONAL GUARD EMPLOYEE.—The term ‘Ready Reserve-National Guard employee’ means an employee who is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as described in sections 10142 and 10101 of title 10, United States Code.

“(4) CERTAIN RULES TO APPLY.—Rules similar to the rules of section 52 shall apply.

“(e) PORTION OF CREDIT MADE REFUNDABLE.—

“(1) IN GENERAL.—In the case of an eligible employer of a Ready Reserve-National Guard employee, the aggregate credits allowed to a taxpayer under subpart C shall be increased by the lesser of—

“(A) the credit which would be allowed under this section without regard to this subsection and the limitation under section 38(c), or

“(B) the amount by which the aggregate amount of credits allowed by this subpart (determined without regard to this subsection) would increase if the limitation imposed by section 38(c) for any taxable year were increased by the amount of employer payroll taxes imposed on the taxpayer during the calendar year in which the taxable year begins.

The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of the credit otherwise allowable under subsection (a) without regard to section 38(c).

“(2) ELIGIBLE EMPLOYER.—For purposes of this subsection, the term ‘eligible employer’ means an employer which is a State or local government or subdivision thereof.

“(3) EMPLOYER PAYROLL TAXES.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘employer payroll taxes’ means the taxes imposed by—

“(i) section 3111(b), and

“(ii) sections 3211(a) and 3221(a) (determined at a rate equal to the rate under section 3111(b)).

“(B) SPECIAL RULE.—A rule similar to the rule of section 24(d)(2)(C) shall apply for purposes of subparagraph (A).”.

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of such Code (relating to general business credit) is amended by striking “plus” at the end of paragraph (309), by striking the period at the end of paragraph (31) and inserting “, plus”, and by adding at the end the following:

“(32) the Ready Reserve-National Guard employee credit determined under section 450(a).”.

(c) DENIAL OF DOUBLE BENEFIT.—Section 280C(a) (relating to rule for employment credits) is amended by inserting “450(a),” after “45A(a),”.

(d) CONFORMING AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 45N the following:

“Sec. 450. Ready Reserve-National Guard employee credit.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable

years beginning after the date of the enactment of this Act.

**SEC. 694. READY RESERVE-NATIONAL GUARD REPLACEMENT EMPLOYEE CREDIT.**

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding after section 30C the following new section:

**“SEC. 30D. READY RESERVE-NATIONAL GUARD REPLACEMENT EMPLOYEE CREDIT.**

“(a) ALLOWANCE OF CREDIT.—

“(1) IN GENERAL.—In the case of an eligible taxpayer, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year the sum of the employment credits for each qualified replacement employee under this section.

“(2) EMPLOYMENT CREDIT.—The employment credit with respect to a qualified replacement employee of the taxpayer for any taxable year is equal to 50 percent of the lesser of—

“(A) the individual’s qualified compensation attributable to service rendered as a qualified replacement employee, or

“(B) \$12,000.

“(b) QUALIFIED COMPENSATION.—The term ‘qualified compensation’ means—

“(1) compensation which is normally contingent on the qualified replacement employee’s presence for work and which is deductible from the taxpayer’s gross income under section 162(a)(1),

“(2) compensation which is not characterized by the taxpayer as vacation or holiday pay, or as sick leave or pay, or as any other form of pay for a nonspecific leave of absence, and

“(3) group health plan costs (if any) with respect to the qualified replacement employee.

“(c) QUALIFIED REPLACEMENT EMPLOYEE.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified replacement employee’ means an individual who is hired to replace a Ready Reserve-National Guard employee or a Ready Reserve-National Guard self-employed taxpayer, but only with respect to the period during which—

“(A) such Ready Reserve-National Guard employee is receiving an actual compensation amount (as defined in section 450(b)) from the employee’s employer and is participating in qualified active duty, including time spent in travel status, or

“(B) such Ready Reserve-National Guard self-employed taxpayer is participating in such qualified active duty.

“(2) READY RESERVE-NATIONAL GUARD EMPLOYEE.—The term ‘Ready Reserve-National Guard employee’ has the meaning given such term by section 450(d)(3).

“(3) READY RESERVE-NATIONAL GUARD SELF-EMPLOYED TAXPAYER.—The term ‘Ready Reserve-National Guard self-employed taxpayer’ means a taxpayer who—

“(A) has net earnings from self-employment (as defined in section 1402(a)) for the taxable year, and

“(B) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as described in section 10142 and 10101 of title 10, United States Code.

“(d) COORDINATION WITH OTHER CREDITS.—The amount of credit otherwise allowable under sections 51(a), 1396(a), or any other provision of this chapter with respect to any wages or other compensation paid to an employee shall be reduced by the credit allowed by this section with respect to such employee.

“(e) LIMITATIONS.—

“(1) APPLICATION WITH OTHER CREDITS.—The credit allowed under subsection (a) for any

taxable year shall not exceed the excess (if any) of—

“(A) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 29, and 30, over

“(B) the tentative minimum tax for the taxable year.

“(2) DISALLOWANCE FOR FAILURE TO COMPLY WITH EMPLOYMENT OR REEMPLOYMENT RIGHTS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—No credit shall be allowed under subsection (a) to a taxpayer for—

“(A) any taxable year, beginning after the date of the enactment of this section, in which the taxpayer is under a final order, judgment, or other process issued or required by a district court of the United States under section 4323 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

“(B) the 2 succeeding taxable years.

“(f) GENERAL DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) ELIGIBLE TAXPAYER.—The term ‘eligible taxpayer’ means a small business employer or a Ready Reserve-National Guard self-employed taxpayer.

“(2) SMALL BUSINESS EMPLOYER.—

“(A) IN GENERAL.—The term ‘small business employer’ means, with respect to any taxable year, any employer who employed an average of 50 or fewer employees on business days during such taxable year.

“(B) CONTROLLED GROUPS.—For purposes of subparagraph (A), all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

“(3) QUALIFIED ACTIVE DUTY.—The term ‘qualified active duty’ has the meaning given such term by section 45N(d)(1).

“(4) SPECIAL RULES FOR CERTAIN MANUFACTURERS.—

“(A) IN GENERAL.—In the case of any qualified manufacturer—

“(i) subsection (a)(2)(B) shall be applied by substituting ‘\$20,000’ for ‘\$12,000’, and

“(ii) paragraph (2)(A) of this subsection shall be applied by substituting ‘100’ for ‘50’.

“(B) QUALIFIED MANUFACTURER.—For purposes of this paragraph, the term ‘qualified manufacturer’ means any person if—

“(i) the primary business of such person is classified in sector 31, 32, or 33 of the North American Industrial Classification System, and

“(ii) all of such person’s facilities which are used for production in such business are located in the United States.

“(5) CARRYBACK AND CARRYFORWARD ALLOWED.—

“(A) IN GENERAL.—If the credit allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (e)(1) for such taxable year (in this paragraph referred to as the ‘unused credit year’), such excess shall be a credit carryback to each of the 3 taxable years preceding the unused credit year and a credit carryforward to each of the 20 taxable years following the unused credit year.

“(B) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryback and credit carryforward under subparagraph (A).

“(6) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply.”.

(b) NO DEDUCTION FOR COMPENSATION TAKEN INTO ACCOUNT FOR CREDIT.—Section 280C(a) of the Internal Revenue Code of 1986 (relating to rule for employment credits), as amended by this Act, is amended—

(1) by inserting “or compensation” after “salaries”, and

(2) by inserting “30D,” before “45A(a),”.

(c) CONFORMING AMENDMENT.—Section 55(c)(3) of the Internal Revenue Code of 1986 is amended by inserting “30D(e)(1),” after “30C(d)(2),”.

(d) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding after the item relating to section 30C the following new item:

“Sec. 30D. Ready Reserve-National Guard Replacement Employee Credit.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

**SEC. 695. INCOME TAX WITHHOLDING ON DIFFERENTIAL WAGE PAYMENTS.**

(a) IN GENERAL.—Section 3401 of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end the following new subsection:

“(h) DIFFERENTIAL WAGE PAYMENTS TO ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.—

“(1) IN GENERAL.—For purposes of subsection (a), any differential wage payment shall be treated as a payment of wages by the employer to the employee.

“(2) DIFFERENTIAL WAGE PAYMENT.—For purposes of paragraph (1), the term ‘differential wage payment’ means any payment which—

“(A) is made by an employer to an individual with respect to any period during which the individual is performing service in the uniformed services while on active duty for a period of more than 30 days, and

“(B) represents all or a portion of the wages the individual would have received from the employer if the individual were performing service for the employer.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to remuneration paid after December 31, 2006.

**SEC. 696. TREATMENT OF DIFFERENTIAL WAGE PAYMENTS FOR RETIREMENT PLAN PURPOSES.**

(a) PENSION PLANS.—

(1) IN GENERAL.—Section 414(u) of the Internal Revenue Code of 1986 (relating to special rules relating to veterans’ reemployment rights under USERRA) is amended by adding at the end the following new paragraph:

“(11) TREATMENT OF DIFFERENTIAL WAGE PAYMENTS.—

“(A) IN GENERAL.—Except as provided in this paragraph, for purposes of applying this title to a retirement plan to which this subsection applies—

“(i) an individual receiving a differential wage payment shall be treated as an employee of the employer making the payment,

“(ii) the differential wage payment shall be treated as compensation, and

“(iii) the plan shall not be treated as failing to meet the requirements of any provision described in paragraph (1)(C) by reason of any contribution which is based on the differential wage payment.

“(B) SPECIAL RULE FOR DISTRIBUTIONS.—

“(i) IN GENERAL.—Notwithstanding subparagraph (A)(i), for purposes of section 401(k)(2)(B)(i)(I), 403(b)(7)(A)(ii), 403(b)(11)(A), or 457(d)(1)(A)(ii), an individual shall be treated as having been severed from employment during any period the individual is performing service in the uniformed services described in section 3401(h)(2)(A).

“(ii) LIMITATION.—If an individual elects to receive a distribution by reason of clause (i), the plan shall provide that the individual may not make an elective deferral or employee contribution during the 6-month period beginning on the date of the distribution.

“(C) NONDISCRIMINATION REQUIREMENT.—Subparagraph (A)(iii) shall apply only if all employees of an employer performing service in the uniformed services described in section 3401(h)(2)(A) are entitled to receive differential wage payments on reasonably equivalent terms and, if eligible to participate in a retirement plan maintained by the employer, to make contributions based on the payments. For purposes of applying this subparagraph, the provisions of paragraphs (3), (4), and (5), of section 410(b) shall apply.

“(D) DIFFERENTIAL WAGE PAYMENT.—For purposes of this paragraph, the term ‘differential wage payment’ has the meaning given such term by section 3401(h)(2)(C).”.

(2) CONFORMING AMENDMENT.—The heading for section 414(u) of such Code is amended by inserting “AND TO DIFFERENTIAL WAGE PAYMENTS TO MEMBERS ON ACTIVE DUTY” after “USERRA”.

(b) DIFFERENTIAL WAGE PAYMENTS TREATED AS COMPENSATION FOR INDIVIDUAL RETIREMENT PLANS.—Section 219(f)(1) of the Internal Revenue Code of 1986 (defining compensation) is amended by adding at the end the following new sentence: “The term ‘compensation’ includes any differential wage payment (as defined in section 3401(h)(2)(C)).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2006.

(d) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any plan or annuity contract amendment—

(A) such plan or contract shall be treated as being operated in accordance with the terms of the plan or contract during the period described in paragraph (2)(B)(i), and

(B) except as provided by the Secretary of the Treasury, such plan shall not fail to meet the requirements of the Internal Revenue Code of 1986 or the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(2) AMENDMENTS TO WHICH SECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any amendment made by this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2009.

(B) CONDITIONS.—This subsection shall not apply to any plan or annuity contract amendment unless—

(i) during the period beginning on the date the amendment described in subparagraph (A)(i) takes effect and ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect, and

(ii) such plan or contract amendment applies retroactively for such period.

**SA 2077.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 2842. RELOCATION OF UNITS FROM ROBERTS UNITED STATES ARMY RESERVE CENTER AND NAVY-MARINE CORPS RESERVE CENTER, BATON ROUGE, LOUISIANA.**

Recommendation # 23 of the September 8, 2005, Final Report of the 2005 Defense Base Closure and Realignment Commission, relating to the relocation of units from the Roberts United States Army Reserve Center and the Navy-Marine Corps Reserve Center, Baton Rouge, Louisiana, shall be interpreted as authorizing the relocation of such units to suitable State property in the vicinity of greater Baton Rouge, Louisiana.

**SA 2078.** Mr. GRAHAM (for himself, Mr. McCAIN, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

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

**SEC. 1031. SENSE OF CONGRESS ON DWELL TIME BETWEEN DEPLOYMENTS FOR MEMBERS OF THE ARMED FORCES.**

It is the sense of Congress that—

(1) the wartime demands placed on the men and women of the Armed Forces, both in the regular and reserve components, and upon their families and loved ones, since the terrorist attacks on the United States on September 11, 2001, have required the utmost in honor, courage, commitment, and dedication to duty, and the sacrifices they have made and continue to make in the defense of our nation will forever be remembered and revered;

(2) members of the Armed Forces who have completed combat deployments require as much certainty as possible about the amount of time they will be at their home stations before commencing a subsequent extended operational deployment; and

(3) the goal, consistent with wartime requirements, for dwell time between extended operational deployments of members of the Armed Forces should be—

(A) for members of the regular components of the Armed Forces, no less 12 months between deployments; and

(B) for members of the reserve components of the Armed Forces, no less than 5 years between deployments.

**SA 2079.** Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 358. REIMBURSEMENT FOR COSTS OF MEETING AIR FORCE SAFETY REQUIREMENTS FOR FLIGHT TRAINING OPERATIONS, PUEBLO MEMORIAL AIRPORT, COLORADO.**

None of the funds authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force may be made available for Air Force flight training operations at Pueblo Memorial Airport, Colo-

rado, until the Secretary of the Air Force certifies to the congressional defense committees that the Air Force has begun negotiations with the City of Pueblo, Colorado, for the reimbursement of costs incurred by the City in meeting Air Force safety requirements related to fire protection, crash rescue, and other emergency response capabilities required for such flight training operations.

**SA 2080.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 555. ANNUAL ASSESSMENTS OF MOOD AMONG CADETS AND MIDSHIPMEN AT THE SERVICE ACADEMIES.**

**(a) UNITED STATES MILITARY ACADEMY.**—

(1) **IN GENERAL.**—Chapter 403 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 4362. Cadets: annual assessment of mood among cadets**

“(a) **IN GENERAL.**—The Secretary of the Army shall direct the Superintendent of the Academy to conduct at the Academy during each Academy program year an assessment of the mood among cadets at the Academy. The Superintendent shall conduct each such assessment through a survey of cadets conducted for that purpose.

“(b) **MATTERS TO BE ASSESSED.**—Each assessment under this section shall be designed to assess the mood and perceptions of cadets with respect to the following at the Academy:

“(1) With respect to sexual harassment and sexual violence—

“(A) the incidence during the program year covered by such assessment of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy;

“(B) the incidence during the program year covered by such assessment of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy;

“(C) the policies, training, and procedures of the Academy on sexual harassment and sexual violence involving cadets or other Academy personnel, including the enforcement of such policies; and

“(D) any other issues relating to sexual harassment and sexual violence involving cadets or other Academy personnel.

“(2) Race and ethnicity.

“(3) Religion.

“(4) Alcohol-related behavior.

“(5) Trust and confidence in the leadership of the Academy.

“(6) Fear of reprisal.

“(7) Trust and confidence in the response of the Academy to sexual assault.

“(8) Any other matters that the Secretary considers appropriate.

“(c) **ANNUAL REPORTS.**—(1) The Secretary of the Army shall direct the Superintendent of the Academy to submit to the Secretary each year a report on the assessment conducted under this section for the preceding Academy program year.

“(2) Each report shall include the following:

“(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or

other Academy personnel that have been reported to Academy officials during the program year covered by such report and, of those reported cases, the number that have been substantiated.

“(B) The policies, procedures, and processes implemented by the Secretary and the leadership of the Academy in response to sexual harassment and sexual violence involving cadets or other Academy personnel during such program year.

“(C) A plan for the actions that are to be taken in the following Academy program year regarding the prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

“(D) The assessment of the Superintendent with respect to the matters specified in paragraphs (2) through (8) of subsection (b).

“(E) Any recommendations that the Superintendent considers appropriate in response to matters raised in or identified by the assessment.

“(F) Any other matters that the Superintendent considers appropriate.

“(3) The Secretary of the Army shall transmit to the Secretary of Defense, and to the Board of Visitors of the Academy, each report received by the Secretary of the Army under this subsection, together with the comments of the Secretary of the Army on such report.

“(4) The Secretary of Defense shall transmit each report received by the Secretary under this subsection, together with the comments of the Secretary on the report, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.”.

“(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 403 of such title is amended by adding at the end the following new item:

“4362. Cadets: annual assessment of mood among cadets.”.

“(3) **CONFORMING REPEAL.**—Section 4361 of such title is amended by striking subsections (c) and (d).

“(b) **UNITED STATES NAVAL ACADEMY.**—

(1) **IN GENERAL.**—Chapter 603 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 6981. Midshipmen: annual assessment of mood among midshipmen**

“(a) **IN GENERAL.**—The Secretary of the Navy shall direct the Superintendent of the Naval Academy to conduct at the Naval Academy during each Academy program year an assessment of the mood among midshipmen at the Academy. The Superintendent shall conduct each such assessment through a survey of midshipmen conducted for that purpose.

“(b) **MATTERS TO BE ASSESSED.**—Each assessment under this section shall be designed to assess the mood and perceptions of midshipmen with respect to the following at the Academy:

“(1) With respect to sexual harassment and sexual violence—

“(A) the incidence during the program year covered by such assessment of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy;

“(B) the incidence during the program year covered by such assessment of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy;

“(C) the policies, training, and procedures of the Academy on sexual harassment and sexual violence involving midshipmen or other Academy personnel, including the enforcement of such policies; and

“(D) any other issues relating to sexual harassment and sexual violence involving midshipmen or other Academy personnel.

“(2) Race and ethnicity.

“(3) Religion.

“(4) Alcohol-related behavior.

“(5) Trust and confidence in the leadership of the Academy.

“(6) Fear of reprisal.

“(7) Trust and confidence in the response of the Academy to sexual assault.

“(8) Any other matters that the Secretary considers appropriate.

“(c) ANNUAL REPORTS.—(1) The Secretary of the Navy shall direct the Superintendent of the Academy to submit to the Secretary each year a report on the assessment conducted under this section for the preceding Academy program year.

“(2) Each report shall include the following:

“(A) The number of sexual assaults, rapes, and other sexual offenses involving midshipmen or other Academy personnel that have been reported to Academy officials during the program year covered by such report and, of those reported cases, the number that have been substantiated.

“(B) The policies, procedures, and processes implemented by the Secretary and the leadership of the Academy in response to sexual harassment and sexual violence involving midshipmen or other Academy personnel during such program year.

“(C) A plan for the actions that are to be taken in the following Academy program year regarding the prevention of and response to sexual harassment and sexual violence involving midshipmen or other Academy personnel.

“(D) The assessment of the Superintendent with respect to the matters specified in paragraphs (2) through (8) of subsection (b).

“(E) Any recommendations that the Superintendent considers appropriate in response to matters raised in or identified by the assessment.

“(F) Any other matters that the Superintendent considers appropriate.

“(3) The Secretary of the Navy shall transmit to the Secretary of Defense, and to the Board of Visitors of the Naval Academy, each report received by the Secretary of the Navy under this subsection, together with the comments of the Secretary of the Navy on such report.

“(4) The Secretary of Defense shall transmit each report received by the Secretary under this subsection, together with the comments of the Secretary on the report, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 603 of such title is amended by adding at the end the following new item:

“6981. Midshipmen: annual assessment of mood among midshipmen.”.

(3) CONFORMING REPEAL.—Section 6980 of such title is amended by striking subsections (c) and (d).

(c) UNITED STATES AIR FORCE ACADEMY.—

(1) IN GENERAL.—Chapter 903 of title 10, United States Code, is amended by adding at the end the following new section:

**“§9362. Cadets: annual assessment of mood among cadets**

“(a) IN GENERAL.—The Secretary of the Air Force shall direct the Superintendent of the Academy to conduct at the Academy during each Academy program year an assessment of the mood among cadets at the Academy. The Superintendent shall conduct each such assessment through a survey of cadets conducted for that purpose.

“(b) MATTERS TO BE ASSESSED.—Each assessment under this section shall be designed

to assess the mood and perceptions of cadets with respect to the following at the Academy:

“(1) With respect to sexual harassment and sexual violence—

“(A) the incidence during the program year covered by such assessment of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy;

“(B) the incidence during the program year covered by such assessment of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy;

“(C) the policies, training, and procedures of the Academy on sexual harassment and sexual violence involving cadets or other Academy personnel, including the enforcement of such policies; and

“(D) any other issues relating to sexual harassment and sexual violence involving cadets or other Academy personnel.

“(2) Race and ethnicity.

“(3) Religion.

“(4) Alcohol-related behavior.

“(5) Trust and confidence in the leadership of the Academy.

“(6) Fear of reprisal.

“(7) Trust and confidence in the response of the Academy to sexual assault.

“(8) Any other matters that the Secretary considers appropriate.

“(c) ANNUAL REPORTS.—(1) The Secretary of the Air Force shall direct the Superintendent of the Academy to submit to the Secretary each year a report on the assessment conducted under this section for the preceding Academy program year.

“(2) Each report shall include the following:

“(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the program year covered by such report and, of those reported cases, the number that have been substantiated.

“(B) The policies, procedures, and processes implemented by the Secretary and the leadership of the Academy in response to sexual harassment and sexual violence involving cadets or other Academy personnel during such program year.

“(C) A plan for the actions that are to be taken in the following Academy program year regarding the prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

“(D) The assessment of the Superintendent with respect to the matters specified in paragraphs (2) through (8) of subsection (b).

“(E) Any recommendations that the Superintendent considers appropriate in response to matters raised in or identified by the assessment.

“(F) Any other matters that the Superintendent considers appropriate.

“(3) The Secretary of the Air Force shall transmit to the Secretary of Defense, and to the Board of Visitors of the Academy, each report received by the Secretary of the Air Force under this subsection, together with the comments of the Secretary of the Air Force on such report.

“(4) The Secretary of Defense shall transmit each report received by the Secretary under this subsection, together with the comments of the Secretary on the report, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 903 of such title is amended by adding at the end the following new item:

“9362. Cadets: annual assessment of mood among cadets.”.

(3) CONFORMING REPEAL.—Section 9361 of such title is amended by striking subsections (c) and (d).

(d) CONFORMING REPEAL OF REQUIREMENT FOR FOCUS GROUPS.—Subsection (b) of section 532 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2205; 10 U.S.C. 4361 note) is repealed.

**SA 2081.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division C, add the following:

**TITLE XXXIII—NAVAL PETROLEUM RESERVES**

**SEC. 3301. DISPOSITION OF QUALIFIED OIL SHALE REVENUES.**

Section 7439 of title 10, United States Code, is amended—

(1) in subsection (f)—

(A) in paragraph (1)—

(i) by striking “all moneys received during the period specified in paragraph (2)” and inserting “during the period beginning on November 18, 1997, and ending on December 31, 2017, all amounts received”; and

(ii) by striking “and shall not be subject to the distribution to the States pursuant to subsection (a) of such section 35” and inserting “for distribution in accordance with subsection (g)”;

(B) by striking paragraph (2) and inserting the following:

“(2) Any amounts deposited under paragraph (1) shall not be subject to distribution to the States under section 35(a) of the Mineral Leasing Act (30 U.S.C. 191(a)).”; and

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

“(g) USE OF REVENUES.—

“(1) DEFINITIONS.—In this subsection:

“(A) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

“(B) STATE.—The term ‘State’ means the State of Colorado.

“(C) STATE FUND.—The term ‘State fund’ means the oil shale special fund established under Colo. Rev. Stat. 34-63-104.

“(2) DISTRIBUTION OF REVENUES.—Of the amounts deposited under subsection (f)(1)—

“(A) 50 percent shall be transferred from the Secretary of the Treasury to the State for deposit in the State fund, for use in accordance with paragraph (3); and

“(B) 50 percent shall be deposited in a special account of the Treasury, to be available to the Secretary without further appropriation until expended, for use in accordance with paragraph (4).

“(3) USE OF STATE FUND.—Amounts deposited in the State fund under paragraph (2)(A) shall be used by the State in accordance with the provisions of the State fund to assist State agencies, school districts, and political subdivisions of the State affected by the development and production of energy resources from oil shale land in planning for and providing facilities and services associated with the development and production.

“(4) USE OF SPECIAL ACCOUNT.—

“(A) IN GENERAL.—The Secretary shall use amounts deposited in the special account under paragraph (2)(B) only for 1 or more of the following purposes:

“(i) Any necessary environmental restoration, waste management, or environmental

compliance activities with respect to Oil Shale Reserve Numbered 3 that are—

“(I) the responsibility of the United States; and

“(II)(aa) identified in the report relating to Oil Shale Reserve Numbered 3 submitted by the Secretary to Congress in November 2005; or

“(bb) identified by the Secretary after the date of the submission of the report described in item (aa).

“(ii) Any necessary additional analysis, site characterization, and geotechnical studies or monitoring that the Secretary determines to be necessary to support environmental restoration, waste management, or environmental compliance with respect to Oil Shale Reserve Numbered 3.

“(iii) Financial assistance to local governments in the States of Colorado, Utah, and Wyoming affected by the development and production of energy resources from oil shale land in the form of grants awarded in a manner prescribed by the Secretary to carry out planning for, and providing infrastructure that may be necessary to address, community needs created by new energy production and development activities.

“(iv) Financial assistance to the States of Colorado, Utah, and Wyoming for purposes of—

“(I) conducting studies requested by the Secretary; or

“(II) carrying out coordination and consultation activities under this section.

“(v) Any additional administrative costs incurred by the Bureau of Land Management for the coordination and processing of use authorizations on Federal land, inspection and enforcement activities, and monitoring necessary to implement section 369 of the Energy Policy Act of 2005 (42 U.S.C. 15927).

“(B) COORDINATION.—To ensure accountability and demonstrated results, the Secretary shall coordinate with the Secretary of Energy, the State, local governments, and other interested persons in using amounts in the special account under this paragraph.”.

**SA 2082.** Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

(c) **DEFINITIONS.**—In this section:

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

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

(I) equaled or exceeded 20 percent of the number of all children in average daily at-

tendance in the schools served by such agency during the preceding school year; or

(II) was 1,000 or more,

whichever is less; and

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

(I) Operation Iraqi Freedom;

(II) Operation Enduring Freedom;

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

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

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

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

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

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

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

(3) **MILITARY DEPENDENT CHILD.**—The term ‘military dependent child’—

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

(B) includes a child—

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

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

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

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

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

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

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

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

(1) **IN GENERAL.**—There are authorized to be appropriated to the Department of Defense \$200,000,000 to carry out this section for fiscal year 2008 and such sums as may be necessary for each of the 3 succeeding fiscal years.

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

**SA 2083.** Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction,

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

At the end of division A, add the following:

**TITLE XVI—MILITARY COMMISSION AND RELATED MATTERS**

**SEC. 1601. SHORT TITLE.**

(a) **SHORT TITLE.**—This title may be cited as the ‘Restoring the Constitution Act of 2007’.

(b) **INEFFECTIVENESS OF CERTAIN PROVISIONS.**—The amendments made by section 1023 of this Act shall not go into effect.

**SEC. 1602. DEFINITION OF UNLAWFUL ENEMY COMBATANT.**

Paragraph (1) of section 948a of title 10, United States Code, is amended to read as follows:

“(1) **UNLAWFUL ENEMY COMBATANT.**—The term ‘unlawful enemy combatant’ means an individual who is not a lawful enemy combatant and—

“(A) who directly participates in hostilities in a zone of active combat against the United States; or

“(B) who—

“(i) planned, authorized, committed, or intentionally aided the terrorist acts on the United States of September 11, 2001; or

“(ii) intentionally harbored any individual described in clause (i).

The term is used solely to designate individuals triable by military commission under this chapter.”.

**SEC. 1603. CONSTRUCTION WITH GENEVA CONVENTIONS.**

Subsection (g) of section 948b of title 10, United States Code, is amended to read as follows:

“(g) **CONSTRUCTION WITH GENEVA CONVENTIONS.**—To the extent that any provision of this chapter is determined to be inconsistent with the obligations of the United States under the Geneva Conventions, the Geneva Conventions shall prevail, and such provision shall be deemed to have no further force or effect.”.

**SEC. 1604. DETERMINATION OF UNLAWFUL ENEMY COMBATANT STATUS BY COMBATANT STATUS REVIEW TRIBUNAL NOT DISPOSITIVE FOR PURPOSES OF JURISDICTION OF MILITARY COMMISSIONS.**

Section 948d of title 10, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

**SEC. 1605. TRIAL COUNSEL AND DEFENSE COUNSEL.**

(a) **REPEAL OF AUTHORITY FOR CIVILIAN TRIAL COUNSEL.**—Subsection (b) of section 948k of title 10, United States Code, is amended to read as follows:

“(b) **MILITARY TRIAL COUNSEL.**—Subject to subsection (e), trial counsel detailed for a military commission under this chapter must be a judge advocate (as that term is defined in section 801 of this title (article 1 of the Uniform Code of Military Justice)) who is—

“(1) a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

“(2) certified as competent to perform duties as trial counsel before general courts-martial by the Judge Advocate General of the armed force of which he is a member.”.

(b) **AUTHORITY FOR CIVILIAN DEFENSE COUNSEL.**—Subsection (c) of such section is amended to read as follows:

“(c) **DEFENSE COUNSEL.**—Subject to subsection (e), trial counsel detailed for a military commission under this chapter must be—

“(1) a judge advocate (as so defined) who is—

“(A) a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

“(B) certified as competent to perform duties as trial counsel before general courts-martial by the Judge Advocate General of the armed force of which he is a member; or

“(2) a civilian who is—

“(A) a member of the bar of a Federal court or of the highest court of a State; and

“(B) otherwise qualified to practice before the military commission pursuant to regulations prescribed by the Secretary of Defense.”.

(c) CONFORMING AMENDMENT.—Subsection (d)(1) of such section is amended by striking “subsection (b)(1)” and inserting “subsection (b)”.

**SEC. 1606. EXCLUSION FROM TRIAL BY MILITARY COMMISSION OF STATEMENTS OBTAINED BY COERCION.**

Section 948r of title 10, United States Code, is amended by striking subsections (c) and (d) and inserting the following new subsection (c):

“(c) EXCLUSION OF STATEMENTS OBTAINED BY COERCION.—A statement obtained by use of coercion shall not be admissible in a military commission under this chapter, except against a person accused of coercion as evidence that the statement was made.”.

**SEC. 1607. MODIFICATION OF AUTHORITIES ON RULES FOR MILITARY COMMISSIONS.**

(a) RULES GENERALLY.—Subsection (a) of section 949a of title 10, United States Code, is amended to read as follows:

“(a) PROCEDURES AND RULES OF EVIDENCE.—(1) Pretrial, trial, and post-trial procedures, including elements and modes of proof, for cases triable by military commission under this chapter may be prescribed by the Secretary of Defense. Such procedures may not be contrary to or inconsistent with this chapter. Except as otherwise provided in this chapter or chapter 47 of this title, the procedures and rules of evidence applicable in trials by general courts-martial shall apply in trials by military commission under this chapter.

“(2) The Secretary of Defense may, in consultation with the Attorney General, make such exceptions in the applicability in trials by military commission under this chapter from the procedures and rules of evidence otherwise applicable in general courts-martial as may be required by the unique circumstances of the conduct of military or intelligence operations during hostilities. Such exceptions may not be contrary to or inconsistent with this chapter.”.

(b) EXCLUSION OF EVIDENCE SEIZED INSIDE THE UNITED STATES WITHOUT WARRANT.—Subsection (b)(2)(B) of such section is amended by inserting “seized outside the United States” after “Evidence”.

(c) DISCRETION OF MILITARY JUDGE TO EXCLUDE HEARSAY EVIDENCE DETERMINED TO BE UNRELIABLE OR LACKING IN PROBATIVE VALUE.—Subsection (b)(2)(E)(ii) of such section is amended by striking “if the party opposing the admission of the evidence demonstrates that the evidence is unreliable or lacking in probative value” and inserting “if the military judge determines, upon motion by counsel, that the evidence is unreliable or lacking in probative value”.

**SEC. 1608. SELF-REPRESENTATION OF ACCUSED BEFORE MILITARY COMMISSIONS.**

Section 949c of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) SELF-REPRESENTATION BY ACCUSED.—(1) Notwithstanding any provision of subsection (b), the accused may represent himself in his defense before a military commission under this chapter.

“(2) The accused’s representation of himself in his defense shall be governed by such rules as the Secretary of Defense shall prescribe. Such rules, and any rights, privileges, or limitations under such rules, shall be consistent with rules applicable to self-representation by an accused in a criminal trial under the laws of the United States and international law.

“(3) If the accused represents himself under this subsection, the accused—

“(A) shall be assisted in his defense by military defense counsel detailed in accordance with subsection (b)(2); or

“(B) may be assisted in his defense by civilian defense counsel meeting the requirements of subsection (b)(3), together with military defense counsel so detailed.

“(4) Any civilian counsel assisting in the defense of an accused under this subsection shall comply with the provisions of subsection (b)(4).

“(5) Subsection (b)(7) shall not apply with respect to any defense counsel assisting in the defense of an accused under this subsection, except to the extent the accused is unable to carry out his defense.”.

**SEC. 1609. ENHANCEMENT OF AUTHORITIES ON DISCOVERY OF WITNESSES AND OTHER EVIDENCE.**

(a) DISCOVERY OF SOURCES, METHODS, AND ACTIVITIES RELATING TO CERTAIN GOVERNMENT ACTIONS.—Subsection (c) of section 949j of title 10, United States Code, is amended—

(1) in paragraph (2), by striking “The military judge” and inserting “Except as provided in paragraph (3), the military judge”; and

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

“(3) Notwithstanding any other provision of this chapter, the military judge may, upon motion of defense counsel and at the discretion of the military judge, order trial counsel to disclose to defense counsel the sources, methods, or activities (including classified sources, methods, or activities) by which the United States obtained any out of court statement the United States intends to introduce at trial if the military judge determines, after *ex parte* review, in *camera* review, or both, that evidence of such sources, methods, or activities, as the case may be, might reasonably tend to affect the weight given to the out of court statement by the members of the military commission. The military judge shall revoke such an order in the event the United States elects not to introduce the out of court statement concerned at trial.”.

(b) DISCRETION OF MILITARY JUDGE TO TAKE CERTAIN ACTIONS IF SUBSTITUTE FOR CLASSIFIED EXCULPATORY EVIDENCE IS INSUFFICIENT TO PROTECT RIGHT OF DEFENDANT TO FAIR TRIAL.—Subsection (d)(1) of such section is amended by adding at the end the following: “If the military judge determines that the substitute is not sufficient to protect the right of the defendant to a fair trial, the military judge may—

“(A) dismiss the charges in their entirety;

“(B) dismiss the charges or specifications or both to which the information relates; or

“(C) take such other actions as may be required in the interest of justice.”.

**SEC. 1610. REVIEW OF MILITARY COMMISSION DECISIONS BY UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES RATHER THAN COURT OF MILITARY COMMISSION REVIEW.**

(a) REVIEW.—

(1) IN GENERAL.—Section 950f of title 10, United States Code, is amended to read as follows:

**“§ 950f. Review by Court of Appeals for the Armed Forces**

“The United States Court of Appeals for the Armed Forces, in accordance with proce-

dures prescribed under regulations of the Secretary, shall review the record in each case that is referred to the Court by the convening authority under section 950c of this title with respect to any matter of law raised by the accused.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter VI of chapter 47A of such title is amended by striking the item relating to section 950f and inserting the following new item:

“950f. Review by Court of Appeals for the Armed Forces.”.

**(b) CONFORMING AMENDMENTS.—**

(1) IN GENERAL.—Chapter 47A of title 10, United States Code, is further amended as follows:

(A) In section 950c(a), by striking “the Court of Military Commission Review” and inserting “the United States Court of Appeals for the Armed Forces”.

(B) In section 950d, by striking “the Court of Military Commission Review” each place it appears and inserting “the United States Court of Appeals for the Armed Forces”.

(C) In section 950g(a)(2), by striking “the Court of Military Commission Review” each place it appears and inserting “the United States Court of Appeals for the Armed Forces”.

(D) In section 950h, by striking “the Court of Military Commission Review” each place it appears and inserting “the United States Court of Appeals for the Armed Forces”.

(2) UNIFORM CODE OF MILITARY JUSTICE.—Section 867a(a) of title 10, United States Code (article 67a(a) of the Uniform Code of Military Justice), is amended by striking “Decisions” and inserting “Except as provided in sections 950d and 950g of this title, decisions”.

**SEC. 1611. SCOPE OF REVIEW OF DETENTION-RELATED DECISIONS.**

(a) SCOPE OF REVIEW OF UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT.—Section 950g of title 10, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(b) SCOPE OF AUTHORITY FOR REVIEW OF MILITARY COMMISSION PROCEDURES AND ACTIONS.—Subsection (b) of section 950j of such title is amended to read as follows:

“(b) LIMITED REVIEW OF MILITARY COMMISSION PROCEDURES AND ACTIONS.—Except as otherwise provided in this chapter, section 2241 of title 28, and any other habeas corpus provision, no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause of action whatsoever, including any action pending on or filed after October 17, 2006, relating to the prosecution, trial, or judgment of a military commission under this chapter, including challenges to the lawfulness of procedures of military commissions under this chapter.”.

(c) TERMINATION OF SUPERSEDED AUTHORITY FOR REVIEW OF CSRTS.—Section 1005(e) of the Detainee Treatment Act of 2005 (10 U.S.C. 801 note) is amended by striking paragraphs (2) through (4).

**SEC. 1612. REPEAL OF PROHIBITION ON TREATY OBLIGATIONS AS ESTABLISHING GROUNDS FOR CERTAIN CLAIMS.**

Section 5 of the Military Commissions Act of 2006 (Public Law 109-366; 120 Stat. 2631; 28 U.S.C. 2241 note) is repealed.

**SEC. 1613. IMPLEMENTATION OF TREATY OBLIGATIONS.**

(a) IN GENERAL.—Section 6(a) of the Military Commissions Act of 2006 (Public Law 109-366; 120 Stat. 2632; 18 U.S.C. 2441 note) is amended—

(1) in paragraph (2)—

(A) in the first sentence, by inserting after “international character” the following:

“and preserve the capacity of the United States to prosecute nationals of enemy powers for engaging in acts against members of the United States Armed Forces and United States citizens that have been prosecuted by the United States as war crimes in the past”; and

(B) by striking the second sentence; and

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking “the President has the authority for the United States to interpret the meaning and application of the Geneva Conventions and to promulgate” and inserting “the President has the authority, subject to congressional oversight and judicial review, to promulgate”; and

(ii) by striking ‘higher standards and’;

(B) in subparagraph (B), by striking “interpretations” and inserting “rules”; and

(C) by amending subparagraph (D) to read as follows:

“(D) The President shall notify other parties to the Geneva Conventions that the United States expects members of the United States Armed Forces and other United States citizens detained in a conflict not of an international character to be treated in a manner consistent with the standards described in subparagraph (A) and embodied in section 2441 of title 18, United States Code, as amended by subsection (b).”.

(b) MODIFICATION OF WAR CRIMES OFFENSES.—

(1) INCLUSION OF DENIAL OF TRIAL RIGHTS AMONG OFFENSES.—Paragraph (1) of section 2441(d) of title 18, United States Code, is amended by adding at the end the following new subparagraph:

“(J) DENIAL OF TRIAL RIGHTS.—The act of a person who intentionally denies one or more persons the right to be tried before a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples as prescribed by common Article 3.”.

(2) INCLUSION OF IMPOSITION OF CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT AMONG OFFENSES.—Such section is further amended—

(A) in paragraph (1), by adding at the end the following new subparagraph:

“(K) CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT.—The act of a person who subjects, or conspires or attempts to subject, an individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, to cruel, inhuman, or degrading treatment or punishment.”; and

(B) in paragraph (2)—

(i) in subparagraph (D), by striking “and” at the end;

(ii) in subparagraph (E), by striking the period at the end and inserting “; and”; and

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

“(F) the term ‘cruel, inhuman, or degrading treatment or punishment’ shall be applied for purposes of paragraph (1)(K) in accordance with the meaning given that term in section 6(c)(2) of the Military Commissions Act of 2006 (42 U.S.C. 2000dd-0).”.

(3) INCLUSION OF CERTAIN OTHER VIOLATIONS OF COMMON ARTICLE 3 AMONG OFFENSES.—Paragraph (1) of such section is further amended by adding at the end the following new subparagraph:

“(L) CERTAIN OTHER VIOLATIONS OF COMMON ARTICLE 3.—The act of a person not subject to chapter 47 of title 10 (the Uniform Code of Military Justice) who commits, or conspires or attempts to commit, an act not otherwise enumerated under this paragraph that constitutes a violation of common Article 3 and is an act which, if committed by a person subject to chapter 47 of title 10, would be punishable under that chapter by the pen-

alty of death or confinement for one year or more.”.

(4) ADDITIONAL DEFINITIONAL MATTERS.—Paragraph (2) of such section is further amended—

(A) in subparagraph (D)—

(i) by striking clause (ii) and inserting the following new clause (ii):

“(ii) serious physical pain;”; and

(ii) in clause (iii), by striking “(other than cuts, abrasions, or bruises)”; and

(B) in subparagraph (E)(ii), by striking “and non-transitory”.

**SEC. 1614. RESTORATION OF HABEAS CORPUS FOR INDIVIDUALS DETAINED BY THE UNITED STATES.**

(a) RESTORATION.—Subsection (e) of section 2241 of title 28, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—Subsection (b) of section 7 of the Military Commissions Act of 2006 (Public Law 109-366; 120 Stat. 2636; 28 U.S.C. 2441 note) is repealed.

**SEC. 1615. EXPEDITED JUDICIAL REVIEW OF MILITARY COMMISSIONS ACT OF 2006.**

Notwithstanding any other provision of law, the following rules shall apply to any civil action, including an action for declaratory judgment, that challenges any provision of the Military Commissions Act of 2006 (Public Law 109-366), or any amendment made by that Act, on the ground that such provision or amendment violates the Constitution or the laws of the United States:

(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard in that Court by a court of three judges convened pursuant to section 2284 of title 28, United States Code.

(2) An interlocutory or final judgment, decree, or order of the United States District Court for the District of Columbia in an action under paragraph (1) shall be reviewable as a matter of right by direct appeal to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after the date on which such judgment, decree, or order is entered. The jurisdictional statement with respect to any such appeal shall be filed within 30 days after the date on which such judgment, decree, or order is entered.

(3) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any action or appeal, respectively, brought under this section.

**SEC. 1616. EFFECTIVE DATE.**

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall take effect on October 17, 2006, the date of the enactment of the Military Commissions Act of 2006 (Public Law 109-366), immediately after the enactment of that Act and shall apply to all cases, without exception, that are pending on or after such date.

(b) REVISIONS TO WAR CRIMES OFFENSES.—The amendments made by section 1613(b) shall take effect on the date of the enactment of this Act.

**SA 2084.** Mr. OBAMA (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 876. TRANSPARENCY AND ACCOUNTABILITY IN MILITARY AND SECURITY CONTRACTING.**

(a) REPORTS ON IRAQ AND AFGHANISTAN CONTRACTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, the Secretary of the Interior, the Administrator of the United States Agency for International Development, and the Director of National Intelligence shall each submit to Congress a report that contains the information, current as of the date of the enactment of this Act, as follows:

(1) The number of persons performing work in Iraq and Afghanistan under contracts (and subcontracts at any tier) entered into by departments and agencies of the United States Government, including the Department of Defense, the Department of State, the Department of the Interior, and the United States Agency for International Development, respectively.

(2) The companies awarded such contracts and subcontracts.

(3) The total cost of such contracts.

(4) The total number of persons who have been killed or wounded in performing work under such contracts.

(b) DEPARTMENT OF DEFENSE REPORT ON STRATEGY FOR AND APPROPRIATENESS OF ACTIVITIES OF CONTRACTORS UNDER DEPARTMENT OF DEFENSE CONTRACTS IN IRAQ, AFGHANISTAN, AND THE GLOBAL WAR ON TERROR.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the strategy of the Department of Defense for the use of, and a description of the activities being carried out by, contractors and subcontractors working in Iraq and Afghanistan in support of Department missions in Iraq, Afghanistan, and the Global War on Terror, including its strategy for ensuring that such contracts do not—

(1) have private companies and their employees performing inherently governmental functions;

(2) place contractors in supervisory roles over United States Government personnel; or

(3) threaten the safety of contractor personnel or United States Government personnel.

(c) LEGAL STATUS OF CONTRACT PERSONNEL.—

(1) INCLUSION OF CONTRACTORS UNDER MILITARY EXTRATERRITORIAL JURISDICTION ACT.—Paragraph (1)(A) of section 3267 of title 18, United States Code, is amended—

(A) in subparagraph (ii)(II), by inserting before the semicolon the following: “or is carried out in a region outside the United States in which the Armed Forces are conducting a contingency operation”; and

(B) in subparagraph (iii)(II), by inserting before the semicolon the following: “or is carried out in a region outside the United States in which the Armed Forces are conducting a contingency operation”.

(2) CONTINGENCY OPERATION DEFINED.—Such section is further amended by adding at the end the following:

“(5) The term ‘contingency operation’ has the meaning given that term in section 101(a)(13) of title 10.”.

(d) DEPARTMENT OF JUSTICE INSPECTOR GENERAL REPORT.—

(1) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall, in consultation with the Inspector General of the Department of State, the Inspector General of the United States Agency for International Development, and the Special Inspector General for Iraq Reconstruction, submit to Congress a report.

(2) CONTENT OF REPORT.—The report shall include—

(A) a description of the status of Department of Justice investigations of abuses alleged to have been committed by contract personnel performing private security functions, other contract personnel, or contractors under covered contracts, which shall include—

(i) the number of complaints received by the Department of Justice;

(ii) the number of investigations into complaints opened by the Department of Justice;

(iii) the number of criminal cases opened by the Department of Justice; and

(iv) the number and result of criminal cases closed by the Department of Justice; and

(B) findings and recommendations about the capacity and effectiveness of the Department of Justice in prosecuting misconduct by such contract personnel.

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

**SA 2085.** Mr. OBAMA (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

**SEC. 703. POSTDEPLOYMENT MEDICAL AND MENTAL HEALTH SCREENINGS FOR MEMBERS OF THE ARMED FORCES.**

Section 1074f(b) of title 10, United States Code, is amended—

(1) by inserting “(1)” before “The system”;

(2) by striking the second sentence; and

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

“(2) The postdeployment examination shall be conducted not later than 90 days after the date of the return of a member to the United States from a deployment as described in subsection (a). The examination shall include a comprehensive medical and mental health assessment conducted on an individualized basis by personnel qualified to conduct such examinations.”.

**SA 2086.** Mr. OBAMA (for himself, Mr. BOND, Mrs. BOXER, Mrs. McCASKILL, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 593. DISCHARGE OF MEMBERS OF THE ARMED FORCES FOR PERSONALITY DISORDER.**

(a) TEMPORARY MORATORIUM ON DISCHARGES.—Effective as of the date of the enactment of this Act, the Secretary of a military department may not, except as provided in subsection (b), discharge from the Armed Forces for personality disorder any member of the Armed Forces (including a member of the National Guard or Reserve) who has

served on active duty in a combat zone until the later of the dates as follows:

(1) The date of the completion by the Secretary of Defense of a review of the policies and procedures of the Department of Defense for diagnosing a personality disorder in members of the Armed Forces.

(2) The date of the issuance by the Secretary of Defense of policies and procedures to ensure the appropriate use of discharge of members of the Armed Forces for personality disorder, which discharges shall be based on standard clinical diagnostic practices, including the practices outlined in the most recent edition of the Diagnostic Statistical Manual for Mental Disorders.

(3) The date of the establishment by the Secretary of Defense of an independent review board for discharges of members of the Armed Forces for personality discharge, including for members so discharged on or after September 12, 2001, and before the date of the enactment of this Act.

(4) The date of the submittal by the Secretary of Defense of a report to Congress on the progress in implementing the requirements of paragraphs (1) through (3).

(5) The date that is 45 days after the date of the submittal of the report referred to in paragraph (4), which period shall permit Congress to consider the report.

(b) EXCEPTION.—The limitation in subsection (a) shall not apply with respect to any member of the Armed Forces who provided false or misleading information, or omitted providing information about past criminal behavior, that is material to a discharge for personality disorder during recruitment for or enlistment in the Armed Forces.

**SA 2087.** Mr. LEVIN (for himself, Mr. REED, Mr. SMITH, Mr. HAGEL, Mr. KERRY, Ms. SNOWE, Mr. BIDEN, Mr. OBAMA, Mrs. CLINTON, and Mr. DURBIN) proposed an amendment to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1535. REDUCTION AND TRANSITION OF UNITED STATES FORCES IN IRAQ.**

(a) DEADLINE FOR COMMENCEMENT OF REDUCTION.—The Secretary of Defense shall commence the reduction of the number of United States forces in Iraq not later than 120 days after the date of the enactment of this Act.

(b) IMPLEMENTATION OF REDUCTION AS PART OF COMPREHENSIVE STRATEGY.—The reduction of forces required by this section shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq’s neighbors and the international community for the purpose of working collectively to bring stability to Iraq. As part of this effort, the President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek the appointment of an international mediator in Iraq, under the auspices of the United Nations Security Council, who has the authority of the international community to engage political, religious, ethnic, and tribal leaders in Iraq in an inclusive political process.

(c) LIMITED PRESENCE AFTER REDUCTION AND TRANSITION.—After the conclusion of the reduction and transition of United States forces to a limited presence as required by this section, the Secretary of Defense may deploy or maintain members of the Armed Forces in Iraq only for the following missions:

(1) Protecting United States and Coalition personnel and infrastructure.

(2) Training, equipping, and providing logistic support to the Iraqi Security Forces.

(3) Engaging in targeted counterterrorism operations against al Qaeda, al Qaeda affiliated groups, and other international terrorist organizations.

(d) COMPLETION OF TRANSITION.—The Secretary of Defense shall complete the transition of United States forces to a limited presence and missions as described in subsection (c) by April 30, 2008.

**SA 2088.** Mr. REED proposed an amendment to amendment SA 2087 proposed by Mr. LEVIN (for himself, Mr. REED, Mr. SMITH, Mr. HAGEL, Mr. KERRY, Ms. SNOWE, Mr. BIDEN, Mr. OBAMA, Mrs. CLINTON, and Mr. DURBIN) to the amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of this bill’s enactment.

**SA 2089.** Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. McCAIN) and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 50, strike lines 11 and 12 and insert the following:

“(13) To develop a program on comprehensive pain management, including management of acute and chronic pain, to utilize current and develop new treatments for pain, and to identify and disseminate best practices on pain management.

“(14) Such other responsibilities as the Secretary shall specify.”.

**SA 2090.** Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. McCAIN) and intended to be proposed to the H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, strike lines 17 and 18 and insert the following:

“(14) To develop a program on comprehensive pain management, including management of acute and chronic pain, to utilize current and develop new treatments for pain, and to identify and disseminate best practices on pain management.

“(15) Such other responsibilities as the Secretary shall specify.”

**SA 2091.** Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

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

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

“(A) that—

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

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

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

“(B) for which participation exceeds 100 amateur athletes.”; and

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

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

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

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

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

(2) by striking “45 days” and inserting “15 days”.

**SA 2092.** Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-

itary personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 604. GUARANTEED PAY INCREASE FOR MEMBERS OF THE ARMED FORCES OF ONE-HALF OF ONE PERCENTAGE POINT HIGHER THAN EMPLOYMENT COST INDEX.**

Section 1009(c)(2) of title 37, United States Code, is amended by striking “fiscal years 2004, 2005, and 2006” and inserting “fiscal years 2009 through 2012”.

**SA 2093.** Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1532.

**SA 2094.** Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 510. EVALUATION OF POLICIES AND PRACTICES ON RECRUITMENT, RETENTION, AND PROMOTION OF OFFICERS WHO ARE MEMBERS OF MINORITIES.**

(a) **PANEL FOR EVALUATION.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall establish a panel of distinguished individuals in the private sector to carry out an evaluation of the policies, procedures, and practices of the military departments on the recruitment, retention, and promotion of commissioned officers of the Armed Forces who are members of minority groups to identify potential improvements to such policies, procedures, and practices in order to improve and enhance the recruitment, retention, and promotion of commissioned officers of the Armed Forces who are members of minority groups.

(b) **REPORT.**—Not later than 180 days after the establishment of the panel required by subsection (a), the panel shall submit to the Secretary and Congress a report on the evaluation carried out under that subsection, including—

(1) a description of the evaluation; and

(2) such recommendations for legislative or administrative action as the panel considers appropriate in order to improve and enhance the recruitment, retention, and promotion of commissioned officers of the Armed Forces who are members of minority groups.

**SA 2095.** Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the De-

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

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

**SEC. 656. TRANSPORTATION OF REMAINS OF DECEASED MEMBERS OF THE ARMED FORCES AND CERTAIN OTHER PERSONS.**

Section 1482(a)(8) of title 10, United States Code, is amended by adding at the end the following new sentence: “When transportation of the remains includes transportation by aircraft, the Secretary concerned shall provide, to the maximum extent possible, for delivery of the remains by air to the commercial, general aviation, or military airport nearest to the place selected by the designee or, if such a selection is not made, nearest to the cemetery selected by the Secretary.”

**SA 2096.** Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

**SA 2097.** Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1044. REPORT ON COST OF REESTABLISHMENT OF THE READINESS OF THE ARMED FORCES TO STATUS BEFORE COMMENCEMENT OF HOSTILITIES IN IRAQ.**

(a) **REPORT REQUIRED.**—The Secretary of Defense shall submit to the congressional defense committee a report setting forth the current estimate of the cost of reestablishing the readiness status of the Armed Forces to the readiness status of the Armed Forces immediately before the commencement of hostilities in Iraq in 2003, including any costs associated with replacement or repair of equipment and other assets of the Armed Forces.

(b) **SUBMITTAL DATE.**—The report required by subsection (a) shall be submitted not later than the date of the submittal to Congress of the budget of the President for fiscal year 2009 as submitted under section 1105(a) of title 31, United States Code.

**SA 2098.** Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1044. REPORT ON COST OF TRANSITIONING TROOPS INTO MILITARY AND CIVILIAN LIFE IN THE UNITED STATES AFTER THE COMPLETION OF OPERATION IRAQI FREEDOM.**

(a) **REPORT REQUIRED.**—The Secretary of Defense shall submit to the congressional defense committee a report setting forth the current estimate of the costs of transitioning members of the Armed Forces into military and civilian life in the United States after the completion of Operation Iraqi Freedom, including the costs of any logistics associated with the return of such members and their equipment to the United States and the costs of any transition assistance and other support programs anticipated to be required to assist such members in returning and adjusting to military or civilian life, as applicable, in the United States.

(b) **SUBMITTAL DATE.**—The report required by subsection (a) shall be submitted not later than the date of the submittal to Congress of the budget of the President for fiscal year 2009 as submitted under section 1105(a) of title 31, United States Code.

**SA 2099.** Mr. VOINOVICH (for himself, Mr. BAYH, Mr. BINGAMAN, Mr. BROWN, Mr. DOMENICI, Mr. LIEBERMAN, Mr. LOTT, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

**SA 2100.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, insert the following:

**SEC. 1535. SENSE OF THE SENATE ON THE CONSEQUENCES OF A FAILED STATE IN IRAQ.**

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

(1) A failed state in Iraq would become a safe haven for Islamic radicals, including al Qaeda and Hezbollah, who are determined to attack the United States and United States allies.

(2) The Iraq Study Group report found that “[a] chaotic Iraq could provide a still stronger base of operations for terrorists who seek to act regionally or even globally”.

(3) The Iraq Study Group noted that “Al Qaeda will portray any failure by the United States in Iraq as a significant victory that will be featured prominently as they recruit for their cause in the region and around the world”.

(4) A National Intelligence Estimate concluded that the consequences of a premature withdrawal from Iraq would be that—

(A) Al Qaeda would attempt to use Anbar province to plan further attacks outside of Iraq;

(B) neighboring countries would consider actively intervening in Iraq; and

(C) sectarian violence would significantly increase in Iraq, accompanied by massive civilian casualties and displacement.

(5) The Iraq Study Group found that “a premature American departure from Iraq would almost certainly produce greater sectarian violence and further deterioration of conditions.... The near-term results would be a significant power vacuum, greater human suffering, regional destabilization, and a threat to the global economy. Al Qaeda would depict our withdrawal as a historic victory.”

(6) A failed state in Iraq could lead to broader regional conflict, possibly involving Syria, Iran, Saudi Arabia, and Turkey.

(7) The Iraq Study group noted that “Turkey could send troops into northern Iraq to prevent Kurdistan from declaring independence”.

(8) The Iraq Study Group noted that “Iran could send troops to restore stability in southern Iraq and perhaps gain control of oil fields. The regional influence of Iran could rise at a time when that country is on a path to producing nuclear weapons.”

(9) A failed state in Iraq would lead to massive humanitarian suffering, including widespread ethnic cleansing and countless refugees and internally displaced persons, many of whom will be tortured and killed for having assisted Coalition forces.

(10) A recent editorial in the New York Times stated, “Americans must be clear that Iraq, and the region around it, could be even bloodier and more chaotic after Americans leave. There could be reprisals against those who worked with American forces, further ethnic cleansing, even genocide. Potentially destabilizing refugee flows could hit Jordan and Syria. Iran and Turkey could be tempted to make power grabs.”

(11) The Iraq Study Group found that “[i]f we leave and Iraq descends into chaos, the long-range consequences could eventually require the United States to return”.

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

(1) the Senate should commit itself to a strategy that will not leave a failed state in Iraq; and

(2) the Senate should not pass legislation that will undermine our military’s ability to prevent a failed state in Iraq.

**SA 2101.** Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 673. ENHANCEMENT OF EDUCATION BENEFITS FOR CERTAIN MEMBERS OF RESERVE COMPONENTS.**

(a) **ACCELERATED PAYMENT OF EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.**—

(1) **IN GENERAL.**—Chapter 1606 of title 10, United States Code, is amended by inserting after section 16131 the following new section:

**“§ 16131A. Accelerated payment of educational assistance**

“(a) The educational assistance allowance payable under section 16131 of this title with respect to an eligible person described in subsection (b) may, upon the election of such eligible person, be paid on an accelerated basis in accordance with this section.

“(b) An eligible person described in this subsection is a person entitled to educational assistance under this chapter who is—

“(1) enrolled in an approved program of education not exceeding two years in duration and not leading to an associate, bachelors, masters, or other degree, subject to subsection (g); and

“(2) charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of educational assistance allowance otherwise payable with respect to the person under section 16131 of this title.

“(c)(1) The amount of the accelerated payment of educational assistance payable with respect to an eligible person making an election under subsection (a) for a program of education shall be the lesser of—

“(A) the amount equal to 60 percent of the established charges for the program of education; or

“(B) the aggregate amount of educational assistance allowance to which the person remains entitled under this chapter at the time of the payment.

“(2)(A) In this subsection, except as provided in subparagraph (B), the term ‘established charges’, in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced individuals who are not eligible for benefits under this chapter and who are enrolled in the program of education would be required to pay. Established charges shall be determined on the following basis:

“(i) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

“(ii) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

“(B) In this subsection, the term ‘established charges’ does not include any fees or payments attributable to the purchase of a vehicle.

“(3) The educational institution providing the program of education for which an accelerated payment of educational assistance allowance is elected by an eligible person under subsection (a) shall certify to the Secretary of Veterans Affairs the amount of the established charges for the program of education.

“(d) An accelerated payment of educational assistance allowance made with respect to an eligible person under this section

for a program of education shall be made not later than the last day of the month immediately following the month in which the Secretary of Veterans Affairs receives a certification from the educational institution regarding—

“(1) the person's enrollment in and pursuit of the program of education; and

“(2) the amount of the established charges for the program of education.

“(e)(1) Except as provided in paragraph (2), for each accelerated payment of educational assistance allowance made with respect to an eligible person under this section, the person's entitlement to educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of educational assistance allowance otherwise payable with respect to the person under section 16131 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

“(2) If the monthly rate of educational assistance allowance otherwise payable with respect to an eligible person under section 16131 of this title increases during the enrollment period of a program of education for which an accelerated payment of educational assistance allowance is made under this section, the charge to the person's entitlement to educational assistance under this chapter shall be determined by prorating the entitlement chargeable, in the manner provided for under paragraph (1), for the periods covered by the initial rate and increased rate, respectively, in accordance with regulations prescribed by the Secretary of Veterans Affairs.

“(f) The Secretary of Veterans Affairs shall prescribe regulations to carry out this section. The regulations shall include requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment of educational assistance allowance under this section. The regulations may include such elements of the regulations prescribed under section 3014A of title 38 as the Secretary of Veterans Affairs considers appropriate for purposes of this section.

“(g) The aggregate amount of educational assistance payable under this section in any fiscal year for enrollments covered by subsection (b)(1) may not exceed \$4,000,000.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1606 of such title is amended by inserting after the item relating to section 16131 the following new item:

“16131A. Accelerated payment of educational assistance.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2008, and shall only apply to initial enrollments in approved programs of education after such date.

(b) ACCELERATED PAYMENT OF EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.—

(1) IN GENERAL.—Chapter 1607 of title 10, United States Code, is amended by inserting after section 16162 the following new section:

**“§ 16162A. Accelerated payment of educational assistance**

“(a) The educational assistance allowance payable under section 16162 of this title with respect to an eligible member described in subsection (b) may, upon the election of such eligible member, be paid on an accelerated basis in accordance with this section.

“(b) An eligible member described in this subsection is a member of a reserve component entitled to educational assistance under this chapter who is—

“(1) enrolled in an approved program of education not exceeding two years in duration and not leading to an associate, bachelors, masters, or other degree, subject to subsection (g); and

“(2) charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of educational assistance allowance otherwise payable with respect to the member under section 16162 of this title.

“(c)(1) The amount of the accelerated payment of educational assistance payable with respect to an eligible member making an election under subsection (a) for a program of education shall be the lesser of—

“(A) the amount equal to 60 percent of the established charges for the program of education; or

“(B) the aggregate amount of educational assistance allowance to which the member remains entitled under this chapter at the time of the payment.

“(2)(A) In this subsection, except as provided in subparagraph (B), the term ‘established charges’, in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced individuals who are not eligible for benefits under this chapter and who are enrolled in the program of education would be required to pay. Established charges shall be determined on the following basis:

“(i) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

“(ii) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

“(B) In this subsection, the term ‘established charges’ does not include any fees or payments attributable to the purchase of a vehicle.

“(3) The educational institution providing the program of education for which an accelerated payment of educational assistance allowance is elected by an eligible member under subsection (a) shall certify to the Secretary of Veterans Affairs the amount of the established charges for the program of education.

“(d) An accelerated payment of educational assistance allowance made with respect to an eligible member under this section for a program of education shall be made not later than the last day of the month immediately following the month in which the Secretary of Veterans Affairs receives a certification from the educational institution regarding—

“(1) the member's enrollment in and pursuit of the program of education; and

“(2) the amount of the established charges for the program of education.

“(e)(1) Except as provided in paragraph (2), for each accelerated payment of educational assistance allowance made with respect to an eligible member under this section, the member's entitlement to educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of educational assistance allowance otherwise payable with respect to the member under section 16162 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

“(2) If the monthly rate of educational assistance allowance otherwise payable with

respect to an eligible member under section 16162 of this title increases during the enrollment period of a program of education for which an accelerated payment of educational assistance allowance is made under this section, the charge to the member's entitlement to educational assistance under this chapter shall be determined by prorating the entitlement chargeable, in the manner provided for under paragraph (1), for the periods covered by the initial rate and increased rate, respectively, in accordance with regulations prescribed by the Secretary of Veterans Affairs.

“(f) The Secretary of Veterans Affairs shall prescribe regulations to carry out this section. The regulations shall include requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment of educational assistance allowance under this section. The regulations may include such elements of the regulations prescribed under section 3014A of title 38 as the Secretary of Veterans Affairs considers appropriate for purposes of this section.

“(g) The aggregate amount of educational assistance payable under this section in any fiscal year for enrollments covered by subsection (b)(1) may not exceed \$3,000,000.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1607 of such title is amended by inserting after the item relating to section 16162 the following new item:

“16162A. Accelerated payment of educational assistance.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2008, and shall only apply to initial enrollments in approved programs of education after such date.

(c) ENHANCEMENT OF EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.—

(1) ASSISTANCE FOR THREE YEARS CUMULATIVE SERVICE.—Subsection (c)(4)(C) of section 16162 of title 10, United States Code, is amended by striking “for two continuous years or more.” and inserting “for—

“(i) two continuous years or more; or

“(ii) an aggregate of three years or more.”.

(2) CONTRIBUTIONS FOR INCREASED AMOUNT OF EDUCATIONAL ASSISTANCE.—Such section is further amended by adding at the end the following new subsection:

“(f) CONTRIBUTIONS FOR INCREASED AMOUNT OF EDUCATIONAL ASSISTANCE.—(1)(A) Any individual eligible for educational assistance under this section may contribute amounts for purposes of receiving an increased amount of educational assistance as provided for in paragraph (2).

“(B) An individual covered by subparagraph (A) may make the contributions authorized by that subparagraph at any time while a member of a reserve component, but not more frequently than monthly.

“(C) The total amount of the contributions made by an individual under subparagraph (A) may not exceed \$600. Such contributions shall be made in multiples of \$20.

“(D) Contributions under this subsection shall be made to the Secretary concerned. Such Secretary shall deposit any amounts received as contributions under this subsection into the Treasury as miscellaneous receipts.

“(2) Effective as of the first day of the enrollment period following the enrollment period in which an individual makes contributions under paragraph (1), the monthly amount of educational assistance allowance applicable to such individual under this section shall be the monthly rate otherwise provided for under subsection (c) increased by—

“(A) an amount equal to \$5 for each \$20 contributed by such individual under paragraph (1) for an approved program of education pursued on a full-time basis; or

“(B) an appropriately reduced amount based on the amount so contributed as determined under regulations that the Secretary of Veterans Affairs shall prescribe, for an approved program of education pursued on less than a full-time basis.”

**SA 2102.** Mr. PRYOR (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. McCAIN) and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

(vii) A standard for the appointment of a physician or other health care professional who is independent of the medical evaluation board and who shall—

(I) serve to inform the servicemember of the process and procedures for the medical evaluation board; and

(II) provide the servicemember with advice and counsel regarding the medical condition of the servicemember and the findings and recommendations of the medical evaluation board.

**SA 2103.** Mr. CARDIN (for himself, Mr. BIDEN, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

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

(a) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives a report assessing the capability of the Secretary of Defense and the Secretary of State to provide training and advice to the command of an international intervention force that seeks to prevent mass atrocities.

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

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

(2) An assessment of the current capability of the Secretary of Defense and the Secretary of State to provide training and advice to the command of an international intervention force in keeping with the “responsibility to protect” doctrine described in

paragraphs 138 through 140 of the outcome document of the High-level Plenary Meeting of the General Assembly adopted by the United Nations in September 2005.

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

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

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

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

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

**SA 2104.** Mr. OBAMA (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 876. TRANSPARENCY AND ACCOUNTABILITY IN MILITARY AND SECURITY CONTRACTING.**

(a) REPORTS ON IRAQ AND AFGHANISTAN CONTRACTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, the Secretary of the Interior, the Administrator of the United States Agency for International Development, and the Director of National Intelligence shall each submit to Congress a report that contains the information, current as of the date of the enactment of this Act, as follows:

(1) The number of persons performing work in Iraq and Afghanistan under contracts (and subcontracts at any tier) entered into by departments and agencies of the United States Government, including the Department of Defense, the Department of State, the Department of the Interior, and the United States Agency for International Development, respectively.

(2) The companies awarded such contracts and subcontracts.

(3) The total cost of such contracts.

(4) The total number of persons who have been killed or wounded in performing work under such contracts.

(b) DEPARTMENT OF DEFENSE REPORT ON STRATEGY FOR AND APPROPRIATENESS OF ACTIVITIES OF CONTRACTORS UNDER DEPARTMENT OF DEFENSE CONTRACTS IN IRAQ, AFGHANISTAN, AND THE GLOBAL WAR ON TERROR.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the strategy of the Department of Defense for the use of, and a description of the activities being carried out by, contractors and subcontractors working in Iraq and Afghanistan in support of Department mis-

sions in Iraq, Afghanistan, and the Global War on Terror, including its strategy for ensuring that such contracts do not—

(1) have private companies and their employees performing inherently governmental functions;

(2) place contractors in supervisory roles over United States Government personnel; or

(3) threaten the safety of contractor personnel or United States Government personnel.

**(c) LEGAL STATUS OF CONTRACT PERSONNEL.**

(1) INCLUSION OF CONTRACTORS UNDER MILITARY EXTRATERRITORIAL JURISDICTION ACT.—Paragraph (1)(A) of section 3267 of title 18, United States Code, is amended—

(A) in subparagraph (ii)(II), by inserting before the semicolon the following: “or is carried out in a region outside the United States in which the Armed Forces are conducting a contingency operation”; and

(B) in subparagraph (iii)(II), by inserting before the semicolon the following: “or is carried out in a region outside the United States in which the Armed Forces are conducting a contingency operation”.

(2) CONTINGENCY OPERATION DEFINED.—Such section is further amended by adding at the end the following:

“(5) The term ‘contingency operation’ has the meaning given that term in section 101(a)(13) of title 10.”

**(d) DEPARTMENT OF JUSTICE INSPECTOR GENERAL REPORT.**

(1) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall, in consultation with the Inspector General of the Department of State, the Inspector General of the United States Agency for International Development, and the Special Inspector General for Iraq Reconstruction, submit to Congress a report.

(2) CONTENT OF REPORT.—The report shall include—

(A) a description of the status of Department of Justice investigations of abuses alleged to have been committed under all Federal agency contracts and subcontracts in support of military and reconstruction efforts in Iraq and Afghanistan, including—

(i) the number of complaints received by the Department of Justice;

(ii) the number of investigations into complaints opened by the Department of Justice;

(iii) the number of criminal cases opened by the Department of Justice; and

(iv) the number and result of criminal cases closed by the Department of Justice; and

(B) findings and recommendations about the capacity and effectiveness of the Department of Justice in prosecuting misconduct by such contract personnel.

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

**SA 2105.** Mr. NELSON of Nebraska (for Mr. JOHNSON) submitted an amendment intended to be proposed by Mr. NELSON, of NE to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SECTION 565. HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.**

The Secretary of Education shall—

(1) deem each local educational agency that received a fiscal year 2007 basic support payment for heavily impacted local educational agencies under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)) as eligible to receive a fiscal year 2008 basic support payment for heavily impacted local educational agencies under such section; and

(2) make a payment to such local educational agency under such section for fiscal year 2008.

**SA 2106.** Mr. OBAMA (for himself and Mrs. McCASKILL, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1070. PROHIBITION ON DISCRIMINATION IN EMPLOYMENT AGAINST CERTAIN FAMILY MEMBERS CARING FOR RECOVERING MEMBERS OF THE ARMED FORCES.**

(a) PROHIBITION.—A family member of a recovering servicemember described in subsection (b) shall not be denied retention in employment, promotion, or any benefit of employment by an employer on the basis of the family member's absence from employment as described in that subsection, for a period of not more than 52 workweeks.

(b) COVERED FAMILY MEMBERS.—A family member described in this subsection is a family member of a recovering servicemember who is—

(1) on invitational orders while caring for the recovering servicemember;

(2) a non-medical attendee caring for the recovering servicemember; or

(3) receiving per diem payments from the Department of Defense while caring for the recovering servicemember.

(c) TREATMENT OF ACTIONS.—An employer shall be considered to have engaged in an action prohibited by subsection (a) with respect to a person described in that subsection if the absence from employment of the person as described in that subsection is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of the absence of employment of the person.

(d) DEFINITIONS.—In this section:

(1) The term “benefit of employment” has the meaning given such term in section 4303 of title 38, United States Code.

(2) The term “caring for”, used with respect to a recovering servicemember, means providing personal, medical, or convalescent care to the recovering servicemember, under circumstances that substantially interfere with an employee's ability to work.

(3) The term “employer” has the meaning given such term in section 4303 of title 38, United States Code, except that the term does not include any person who is not considered to be an employer under title I of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.) because the person does not meet the requirements of section 101(4)(A)(i) of such Act (29 U.S.C. 2611(4)(A)(i)).

(4) The term “family member”, with respect to a recovering servicemember, has the

meaning given that term in section 411h(b) of title 37, United States Code.

(5) The term “recovering servicemember” means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in medical hold or medical holdover status, for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces.

**SA 2107.** Mr. BROWN (for himself and Mr. VOINOVICH, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 593, add the following:

(g) GARY LEE MCKIDDY.—Subsection (a) applies with respect to Garry Lee McKiddy for conspicuous acts of gallantry and intrepidity at the risk of his life and beyond the call of duty between October 25, 1969, and May 6, 1970, the day he died during a combat operation in Cambodia while serving as a Specialist Four in the 1st Cavalry Division of the United States Army during the Vietnam era.

**SA 2108.** Mrs. CLINTON (for herself, Mr. FEINGOLD, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

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

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

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

(1) An assessment of the extent to which the Government of Sudan is in compliance with its obligations under international law and as a member of the United Nations, including under United Nations Security Council Resolutions 1706 (2006) and 1591 (2005), and a description of any violations of such obligations, including violations relating to the denial of or delay in facilitating access by AMIS and United Nations peacekeepers to conflict areas, failure to implement respon-

sibilities to demobilize and disarm the Janjaweed militias, obstruction of the voluntary safe return of internally displaced persons and refugees, and degradation of security of and access to humanitarian supply routes.

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

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

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

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

**(c) FORM AND AVAILABILITY OF REPORTS.**

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

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

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

**(e) DEFINITIONS.**—In this section:

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

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

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

(2) COVERED UNITED NATIONS MISSION.—The term “covered United Nations mission” means any United Nations-African Union hybrid peacekeeping operation in Darfur, and any United Nations peacekeeping operating in Darfur, eastern Chad, or northern Central African Republic, that is deployed on or after the date of the enactment of this Act.

**SA 2109.** Mrs. CLINTON (for herself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

**Subtitle D—Nuclear Terrorism Prevention**  
**SEC. 3131. SHORT TITLE.**

This subtitle may be cited as the “Nuclear Terrorism Prevention Act of 2007”.

**SEC. 3132. DEFINITIONS.****In this subtitle:**

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

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

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

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

#### SEC. 3133. FINDINGS.

Congress makes the following findings:

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

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

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

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

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

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

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

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

(9) Legislation sponsored by Senator Richard Lugar, Senator Pete Domenici, and former Senator Sam Nunn has resulted in groundbreaking programs to secure nuclear weapons and materials and to help ensure

that such weapons and materials do not fall into the hands of terrorists.

#### SEC. 3134. SENSE OF CONGRESS ON THE PREVENTION OF NUCLEAR TERRORISM.

It is the sense of Congress that—

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

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

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

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

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

#### SEC. 3135. SENIOR ADVISOR TO THE PRESIDENT FOR THE PREVENTION OF NUCLEAR TERRORISM.

(a) DESIGNATION OF POSITION.—The President shall designate an individual to serve in the Executive Office of the President as the Senior Advisor to the President for the Prevention of Nuclear Terrorism.

(b) DUTIES.—The Senior Advisor to the President, under the direction of the Assistant to the President for National Security Affairs, shall be responsible for—

(1) advising the President on all matters relating to preventing nuclear terrorism and responding to a nuclear terrorism event;

(2) directing and coordinating the formulation of United States policies for preventing nuclear terrorism, including—

(A) developing plans, including timelines, measurable milestones, and targets to which the departments and agencies of the United States Government can be held accountable, to better prevent nuclear terrorism;

(B) identifying and addressing gaps, duplication, and inefficiencies in existing programs and taking other appropriate actions to overcome obstacles to accelerated progress to prevent nuclear terrorism;

(C) overseeing and coordinating the development, by the departments and agencies of the United States Government, of accelerated and strengthened program implementation strategies and diplomatic strategies with respect to the prevention of nuclear terrorism;

(D) overseeing and coordinating the development of budget requests for programs to prevent nuclear terrorism and ensuring that such requests adequately reflect the priority of the threat of nuclear terrorism; and

(E) identifying such new initiatives to prevent nuclear terrorism as may be needed; and

(3) coordinating United States efforts to implement such policies.

#### SEC. 3136. MINIMUM SECURITY STANDARD FOR NUCLEAR WEAPONS AND FORMULA QUANTITIES OF STRATEGIC SPECIAL NUCLEAR MATERIAL.

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

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

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

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

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

(c) INTERNATIONAL EFFORTS.—In furtherance of the policy described in subsection (a), the President, in consultation with the Senior Advisor to the President for the Prevention of Nuclear Terrorism and relevant Federal departments and agencies, shall—

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

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

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

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

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

#### SEC. 3137. ANNUAL REPORT.

(a) IN GENERAL.—Not later than September 1 of each year, the President, in consultation with the Senior Advisor to the President for the Prevention of Nuclear Terrorism and relevant Federal departments and agencies,

shall submit to Congress a report on the security of nuclear weapons, formula quantities of strategic special nuclear material, radiological materials, and related equipment worldwide.

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

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

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

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

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

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

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

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

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

(2) A section on efforts to establish and implement the international nuclear security standard described in section 3136(b) and related policies.

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

**SA 2110.** Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVIII, add the following:

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

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

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

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

(3) Increasing and appropriate emphasis is being given to regional, landscape-scale efforts such as the Southeast Regional Partnership for Planning and Sustainability (SERPPAS) and the Western Regional Partnership (WRP).

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

(5) With the exception of the Air Force, the military departments are working to fully integrate the authority provided by section 2684a of title 10, United States Code, into their programs to address encroachment.

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

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

(2) continue to give emphasis to regional, landscape-scale partnerships and initiatives such as the Southeastern Regional Partnership for Planning and Sustainability (SERPPAS) and the Western Regional Partnership (WRP);

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

(4) ensure that the Department of the Air Force takes full advantages of the authorities provided by section 2684a of title 10, United States Code, in addressing encroachment adversely affecting, or threatening to adversely affect, the installations, ranges, and military airspace of the Air Force; and

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

(c) REPORTING REQUIREMENTS.—

(1) RECOMMENDATIONS FOR PROPOSED LEGISLATION.—The Secretary of Defense shall include with the budget justification materials submitted to Congress in support of the budget of the President for fiscal year 2009 (as submitted with the budget of the President under section 1105 of title 31, United States Code)—

(A) recommendations for proposed legislation to address the issues highlighted by the Department of Defense in Chapter 6 of the initial report submitted to Congress under

section 2684a(g) of title 10, United States Code; or

(B) an explanation of the reasons for not recommending any such legislation.

(2) REPORTING OF CERTAIN ACTIONS TAKEN.—The Secretary of Defense shall include information on actions taken to address the matters addressed under subsection (b) in the report submitted to Congress by not later than March 1, 2008, under section 2684a(g) of title 10, United States Code.

**SA 2111.** Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

**SEC. 1535. REDEPLOYMENT REQUIREMENTS AND SPENDING RESTRICTIONS RELATED TO MILITARY OPERATIONS IN IRAQ.**

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

(1) there is no military solution to the ongoing conflict in Iraq;

(2) the President should change direction in Iraq if he wants to find a solution to the conflict in that country; and

(3) the President should launch a new diplomatic offensive in order to promote reconciliation and stability in Iraq, by appointing a special envoy to engage Iraqi leaders, regional leaders, and international organizations, such as the United Nations and the Arab League.

(b) REDEPLOYMENT OF UNITED STATES COMBAT FORCES.—

(1) REDEPLOYMENT REQUIRED.—The Secretary of Defense shall begin the phased redeployment of members of the Armed Forces from Iraq not later than 30 days after the date of the enactment of this Act, and shall redeploy all such forces, except those who are essential for the limited purposes set forth in paragraph (2), by April 30, 2008.

(2) EXCEPTION FOR LIMITED PURPOSES.—The requirement to redeploy forces under paragraph (1) does not apply to forces essential—

(A) to conduct targeted operations, limited in duration and scope, against members of al Qaeda and other international terrorist organizations;

(B) to provide security for United States infrastructure and personnel; or

(C) to train and equip Iraqi security forces.

(c) ARMED FORCES READINESS.—Upon completion of the redeployment required under subsection (b), funds authorized to be appropriated by this title for Operation Iraqi Freedom may be available to be expended in accordance with the lists of program priorities or requirements not included in the President’s proposed budget for fiscal year 2008 submitted to the Committees on Armed Forces of the Senate and the House of Representatives by the Chief of the National Guard Bureau, the Chief of Staff of the Army, the Commandant of the Marine Corps, the Chief of Staff of the Air Force, and the Chief of Naval Operations. Such amounts may not exceed—

(1) \$1,000,000,000 for the National Guard Reserve Equipment Account;

(2) \$10,288,000,000 for the Army;

(3) \$3,189,600,000 for the Marine Corps;

(4) \$16,943,600,000 for the Air Force; and

(5) \$5,657,000,000 for the Navy.

(d) LIMITATION ON USE OF FUNDS IN EVENT OF FAILURE TO REDEPLOY FORCES.—Twenty-five percent of the funds appropriated or otherwise made available for the Department of

Defense for fiscal year 2008 for activities in Iraq may not be obligated or expended unless the number of members of the Armed Forces deployed in Iraq by December 31, 2007, is at least 50,000 fewer than the number so deployed as of July 11, 2007, unless the President certifies to the congressional defense committees that it is still possible to redeploy all such forces, except those who are essential for the limited purposes set forth in subsection (b)(2), by April 30, 2008.

(e) REPORT.—Not later than 60 days after the date of the enactment of this Act, and every 30 days thereafter until May 31, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the status of redeployment efforts under this section.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as prohibiting funding for personal protective equipment or other equipment or materiel necessary for improving the safety of members of the Armed Forces.

**SA 2112.** Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

(a) STUDY REQUIRED.—

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

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

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

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

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

(D) to conduct research on best practices for building psychological and emotional re-

siliency in such children in coping with the deployment of such members.

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

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

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

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

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

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

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

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

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

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

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

**SA 2113.** Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 827. MULTIYEAR PROCUREMENT AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR THE PURCHASE OF SYNTHETIC FUELS.**

(a) MULTIYEAR PROCUREMENT AUTHORIZED.—Chapter 141 of title 10, United States Code, as amended by section 826 of this Act, is further amended by adding at the end the following new section:

**“§ 2410r. Multiyear procurement authority: purchase of synthetic fuels**

“(a) MULTIYEAR CONTRACTS AUTHORIZED.—Subject to subsections (b) and (c), the Secretary of Defense may enter into contracts for a period not to exceed 10 years for the purchase of synthetic fuels.

“(b) LIMITATIONS ON CONTRACTS FOR PERIODS IN EXCESS OF FIVE YEARS.—The Secretary may exercise the authority in subsection (a) to enter a contract for a period in excess of five years only if the Secretary determines, on the basis of a business case prepared by the Department of Defense, that—

“(1) the proposed purchase of fuels under such contract is cost effective for the Department of Defense; and

“(2) it would not be possible to purchase fuels from the source in an economical manner without the use of a contract for a period in excess of five years.

“(c) LIMITATION ON LIFECYCLE GREENHOUSE GAS EMISSIONS.—The Secretary may not purchase synthetic fuels under the authority in subsection (a) unless the lifecycle greenhouse gas emissions from such fuels are not greater than the lifecycle greenhouse gas emissions from similar conventional petroleum-based fuels.

“(d) SYNTHETIC FUEL DEFINED.—In this section, the term ‘synthetic fuel’ means any liquid, gas, or combination thereof that—

“(1) can be used as a substitute for petroleum or natural gas (or any derivative thereof, including chemical feedstocks); and

“(2) is produced by chemical or physical transformation of domestic sources of energy.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title, as so amended, is further amended by adding at the end the following new item:

“2410r. Multiyear procurement authority: purchase of synthetic fuels.”

**SA 2114.** Mr. CRAIG (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. MCCAIN) and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 43, strike lines 8 through 11 and insert the following:

“(b) PARTNERSHIPS.—The Secretary shall ensure that the Center collaborates to the maximum extent practicable with the Department of Veterans Affairs, institu-

**SA 2115.** Mr. CRAIG (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. MCCAIN) and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, strike lines 15 through 18 and insert the following:

“(b) PARTNERSHIPS.—The Secretary shall ensure that the Center collaborates to the maximum extent practicable with the National Center for Post-Traumatic Stress

**SA 2116.** Mr. CHAMBLISS (for himself, Mr. COLEMAN, Mr. ISAKSON, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 683. NATIONAL GUARD YELLOW RIBBON RE-INTEGRATION PROGRAM.**

(a) **ESTABLISHMENT.**—The Secretary of Defense, in coordination with the Chief of the National Guard Bureau, shall establish a national combat veteran reintegration program to provide National Guard members and their families with sufficient information, services, referral, and proactive outreach opportunities throughout the entire deployment cycle. This program shall be known as the Yellow Ribbon Reintegration Program. The Secretary may also use funds made available to carry out this section to support reintegration programs for members of the Army Reserve, Marine Corps Reserve, Navy Reserve, and Air Force Reserve and their families.

(b) **PURPOSE.**—The Yellow Ribbon Reintegration Program shall consist of informational events and activities for Reserve Component members, their families, and community members through the four phases of the deployment cycle:

- (1) Pre-Deployment.
- (2) Deployment.
- (3) Demobilization.
- (4) Post-Deployment-Reconstitution.

(c) **CONSULTATION.**—The National Guard Bureau Chief shall consult with the following parties during establishment of the program:

(1) The Adjutant General of the Minnesota National Guard and officials associated with the State's "Beyond the Yellow Ribbon" Reintegration Program, the Adjutant General of New Hampshire, the Adjutant General of Oregon, and the Adjutant General of Washington.

(2) Adjutants General of the remaining States and territories.

(d) **ORGANIZATION.**—

(1) **EXECUTIVE AGENT.**—The Secretary shall designate the National Guard Bureau as the Department of Defense executive agent for the Yellow Ribbon Reintegration Program.

(2) **ESTABLISHMENT OF THE OFFICE FOR RE-INTEGRATION PROGRAMS.**—

(A) **IN GENERAL.**—The National Guard Bureau shall establish the Office for Reintegration Programs within the National Guard Bureau Joint Staff. The office shall administer all reintegration programs in coordination with State National Guard organizations. The office shall be responsible for coordination with existing National Guard family and support programs. The Directors of the Army National Guard and Air National Guard may appoint liaison officers to work with the permanent office staff. The office shall closely coordinate with the Army National Guard and Air National Guard Directorates for Manpower and Personnel with respect to existing family support structure, mobilization schedules, training schedules, training plans and programs, and any other personnel issues.

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

(3) **ADVISORY BOARD.**—

(A) **APPOINTMENT.**—The Chief of the National Guard Bureau shall appoint an advisory board to analyze and report areas of success and areas for necessary improvements. The advisory board shall include, but is not limited to, the Director of the Army National Guard, the Director of the Air National Guard, the Assistant Secretary of Defense for Reserve Affairs, an Adjutant General on a rotational basis as determined by the Chief of the National Guard Bureau, the Director of the National Guard Bureau Manpower and Personnel Directorate (J-1), and any other Department of Defense, Federal Government agency, or outside organization as determined by the Chief of the National Guard Bureau. The members of the advisory board may designate representatives in their stead.

(B) **SCHEDULE.**—The advisory board shall meet on a schedule as determined by the Chief of the National Guard Bureau.

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

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

(ii) an assessment of any unmet resource requirements;

(iii) an assessment of the reintegration program's further inclusion of other Reserve Component members and the necessity for further expansion to incorporate all the Reserve Components; and

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

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

(4) **STATE DEPLOYMENT CYCLE SUPPORT TEAMS.**—The Office for Reintegration Programs shall employ personnel to administer the Yellow Ribbon Reintegration Program at the State level. The Chief of the National Guard Bureau shall assign State Deployment Cycle Support Team members based on State need, geographical dispersion, and military population. The Office for Reintegration Programs is encouraged to employ wounded service members and returning combat veterans whenever possible. The primary function of team members shall be—

(A) developing and managing the reintegration curriculum;

(B) contracting and recruiting for necessary service providers; and

(C) ensuring that providers' skills adapt to the unique military nature of the reintegration program.

(e) **PROGRAM.**—

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

(2) **PRE-DEPLOYMENT PHASE.**—The Pre-Deployment Phase shall constitute the time from first notification of mobilization until deployment of the mobilized National Guard unit. Events and activities shall focus on

providing education and ensuring the readiness of service members, families, and communities for the rigors of a combat deployment.

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

(4) **DEMOBILIZATION PHASE.**—

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

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

(5) **POST-DEPLOYMENT-RECONSTITUTION PHASE.**—

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

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

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

(D) **MONTHLY INDIVIDUAL REINTEGRATION PROGRAM.**—The Office for Reintegration Programs, in coordination with State National Guard organizations, shall offer a monthly reintegration program for individual service members released from active duty or formerly in a medical hold status. The program

shall focus on the special needs of this service member subset and the Office for Reintegration Programs shall develop an appropriate program of services and information.

(f) FUNDING.—For purposes of carrying out this section, the following amounts may be available:

(1) From amounts authorized to be appropriated by section 421(9) for the Army National Guard for personnel, \$100,000,000.

(2) From amounts authorized to be appropriated by section 301(5) for operation and maintenance, Defense-wide activities, \$23,000,000.

**SA 2117.** Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

**SA 2118.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1061(b), add following:

(8) If any plan referred to in paragraph (7) includes replacing or modifying warheads—

(A) an assessment of the estimated cost of the replacement or modification of warheads under such plan during the 10-year period beginning on the date of the implementation of such plan; and

(B) a statement of the anticipated schedule for the replacement of warheads in the stockpile over time.

**SA 2119.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 871(b), add following:

(5) INSPECTOR GENERAL REPORT ON PILOT PROGRAM ON IMPOSITION OF FINES FOR NON-COMPLIANCE OF PERSONNEL WITH CLAUSE.—Not later than January 30, 2008, the Inspector General of the Department of Defense shall submit to Congress a report assessing the

feasibility and advisability of carrying out a pilot program for the imposition of fines on contractors or subcontractors for personnel who violate or fail to comply with applicable requirements of the clause required by this section as a mechanism for enhancing the compliance of such personnel with the clause. The report shall include—

(A) an assessment of the feasibility and advisability of carrying out the pilot program; and

(B) if the Inspector General determines that carrying out the pilot program is feasible and advisable—

(i) recommendations on the range of contracts and subcontracts to which the pilot program should apply; and

(ii) a schedule of fines to be imposed under the pilot program for various types of personnel actions or failures.

**SA 2120.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

**SA 2121.** Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 827. MODIFICATION OF AUTHORITIES RELATED TO UNDEFINITIZED CONTRACTUAL ACTIONS.**

(a) APPROVAL REQUIRED FOR CERTAIN ACTIONS.—Section 2326 of title 10, United States Code, is amended—

(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

“(b) APPROVAL REQUIRED FOR CERTAIN ACTIONS.—(1) A contracting officer may not take an action described in paragraph (2) unless the contracting officer has documented the need for the action in writing and received the approval of the head of the contracting activity.

“(2) An action described in this paragraph is an action as follows:

“(A) Entry into an undefinitized contractual action for or on behalf of the Department of Defense.

“(B) Obligation of more than 25 percent of the negotiated overall ceiling price for an undefinitized contractual action before the

contractual terms, specifications, and price are definitized.

“(C) Obligation of more than 50 percent of the negotiated overall ceiling price for an undefinitized contractual action before the contractual terms, specifications, and price are definitized.”.

(b) ALLOWABLE PROFIT.—Subsection (f) of such section, as redesignated by subsection (a)(1) of this section, is amended to read as follows:

“(f) ALLOWABLE PROFIT.—A contracting officer shall—

“(1) address the reduced cost risk to a contractor with respect to costs incurred pursuant to an undefinitized contractual action before the contractual terms, specifications, and price are definitized by allowing a profit or fee on such costs that does not exceed 50 percent of the profit or fee that would otherwise be allowable for such costs; and

“(2) ensure that the profit allowed with respect to costs incurred during the performance of the remaining part of the contract reflects any reduced risk to the contractor with respect to such performance.”.

(c) SCOPE OF UNDEFINITIZED CONTRACTUAL ACTIONS.—Paragraph (1) of subsection (h) of such section, as so redesignated, is amended by striking “procurement action” and inserting “procurement action (including a contract, a task or delivery order issued against an existing contract, or a modification that changes the scope of an existing contract)”.

(d) CONFORMING AMENDMENT.—Paragraph (3) of subsection (c) of such section, as so redesignated, is amended by striking “subsection (g)” and inserting “subsection (h)”.

(e) ANNUAL REPORTS.—Not later than 30 days after the end of each of fiscal years 2008 through 2012, the Secretary of Defense shall submit to the congressional defense committees a report on undefinitized contractual actions that are not definitized within established time frames and not-to-exceed guidelines. Each report shall include the following:

(1) The number and total dollar value of undefinitized contractual actions entered into for or on behalf of the Department of Defense that have not been definitized—

(A) within 180 days of award;

(B) before 40 percent of the work is complete; and

(C) before 50 percent of the funds have been obligated.

(2) The actions that the Department of Defense has taken and plans to take to reduce the number and dollar value of undefinitized contractual actions in each of the categories listed in paragraph (1).

**SA 2122.** Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 827. INDEPENDENT MANAGEMENT REVIEWS OF CONTRACTS FOR SERVICES.**

(a) REVIEWS REQUIRED.—Section 2330 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

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

“(C) INDEPENDENT MANAGEMENT REVIEWS.—(1) Each senior official responsible for the

management of acquisition of contract services shall ensure that an independent management review is conducted on an annual basis for any contract for services entered for or on behalf of the Department of Defense valued in excess of—

“(A) \$250,000,000, in the case of a contract awarded to a single contractor; or

“(B) \$1,000,000,000, in the case of a contract awarded to multiple contractors.

“(2) An independent management review under this subsection shall be conducted by a team of Department of Defense employees with an expertise in the acquisition of contract services who do not have direct responsibility for the management of the contract to be reviewed.

“(3) Each independent management review of a contract for services conducted under this subsection shall, at a minimum—

“(A) evaluate contract performance in terms of cost, schedule and requirements;

“(B) assess the contracting mechanisms used, including the use of competition, the contract structure and type, the definition of contract requirements, cost and pricing methods, the award and negotiation of task orders, and management and oversight mechanisms;

“(C) evaluate the contractor's use, management, and oversight of subcontractors;

“(D) review the staffing of contract management and oversight functions;

“(E) assess alternative contracting approaches;

“(F) make specific recommendations to ensure that the contract is managed and performed in a manner that is consistent with applicable requirements of law and regulation and best protects the interests of the Department of Defense; and

“(G) develop lessons learned that can be applied to other contracts for services entered for or on behalf of the Department of Defense.

“(4) An annual review shall not be required under this subsection for any contract under which the work has been substantially completed (as determined by the Secretary of Defense).”

**(b) EFFECTIVE DATE.—**

**(1) IN GENERAL.**—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to contracts awarded before, on, or after that date.

**(2) LIMITATION ON FUTURE EXERCISE OF OPTIONS UNDER COVERED CONTRACTS.**—Beginning on the date that is one year after the date of the enactment of this Act, no option shall be exercised under a contract that is subject to the requirements of subsection (c) of section 2330 of title 10, United States Code (as amended by subsection (a) of this section), unless an independent management review of the contract has been performed in accordance with the requirements of such subsection (c) in the previous year.

**SA 2123.** Mr. CARPER (for himself and Mrs. McCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 865. CONTINGENCY CONTRACTING TRAINING FOR PERSONNEL OUTSIDE THE ACQUISITION WORKFORCE.**

**(a) TRAINING REQUIREMENT.**—Section 2333 of title 10, United States Code is amended—

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

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

“(e) TRAINING FOR PERSONNEL OUTSIDE ACQUISITION WORKFORCE.—(1) The joint policy for requirements definition, contingency program management, and contingency contracting required by subsection (a) shall provide for training of military personnel outside the acquisition workforce (including operational field commanders and officers performing key staff functions for operational field commanders) who are expected to have acquisition responsibility, including oversight duties associated with contracts or contractors, during combat operations, post-conflict operations, and contingency operations.

“(2) Training under paragraph (1) shall be sufficient to ensure that the military personnel referred to in that paragraph understand the scope and scale of contractor support they will experience in contingency operations and are prepared for their roles and responsibilities with regard to requirements definition, program management (including contractor oversight), and contingency contracting.

“(3) The joint policy shall also provide for the incorporation of contractors and contract operations in mission readiness exercises for operations that will include contracting and contractor support.”

**(b) COMPTROLLER GENERAL REPORT.**—Section 854(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2346) is amended by adding at the end the following new paragraph:

“(3) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date on which the Secretary of Defense submits the final report required by paragraph (2), the Comptroller General of the United States shall—

“(A) review the joint policies developed by the Secretary, including the implementation of such policies; and

“(B) submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the extent to which such policies, and the implementation of such policies, comply with the requirements of section 2333 of title 10, United States Code (as so added).”

**SA 2124.** Mr. NELSON of Nebraska (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1535. TRANSITION OF MISSION OF UNITED STATES FORCES IN IRAQ.**

**(a) IN GENERAL.**—Commencing as of the date of the enactment of this Act, the President shall immediately begin the transition of mission for all United States forces in Iraq.

**(b) TRANSITION OF MISSION.**—United States forces in Iraq shall be limited to—

(1) protecting United States personnel and infrastructure in Iraq;

(2) continuing the training and equipping of Iraqi security forces;

(3) securing Iraq's borders in order to halt and prevent the influx of foreign and al Qaeda fighters into Iraq; and

(4) continuing the conduct of counterterrorism operations against al Qaeda, al Qaeda-affiliated forces, and other terrorist groups engaged in destabilization efforts in Iraq.

**(c) GOAL FOR ACTIONS.**—The goal of completing the transition and redeployment of United States forces to a new mission in accordance with this section shall be March 31, 2008, as outlined in the report of the Iraq Study Group.

**SA 2125.** Mrs. FEINSTEIN (for herself, Mr. HARKIN, Mr. DODD, Mrs. CLINTON, Mr. BROWN, Mr. BINGAMAN, Mr. KENNEDY, Mr. WHITEHOUSE, and Mr. OBAMA) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following new section:

**SECTION 1070. REQUIRED CLOSURE OF GUANTANAMO BAY DETENTION FACILITY.**

**(a) CLOSURE OF DETENTION FACILITY.**—Not later than one year after the date of the enactment of this Act—

(1) the President shall close the Department of Defense detention facility at Guantnamo Bay, Cuba; and

(2) all detainees held at such facility shall be transferred from the facility.

**(b) RESTRICTION ON TRANSFER OF DETAINEES OUTSIDE THE UNITED STATES.**—No detainee transferred under subsection (a)(2) who is kept in the custody or control of the United States may be transferred to a facility that is located outside the continental United States.

**(c) REPORTING REQUIREMENTS.**

**(1) IMPLEMENTATION PLAN.**—Not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report describing plans to implement subsection (a), including the legal justification for continuing to detain any individual under United States custody under such plans.

**(2) UPDATES.**—The President shall keep Congress fully and currently informed of the steps taken to implement subsection (a).

**(d) RULES OF CONSTRUCTION.**

**(1) NO ADDITIONAL DETENTION AUTHORITY.**—Nothing in this section shall be construed as altering or adding to existing authorities for the detention or treatment of individuals in United States custody.

**(2) IMMIGRATION STATUS.**—The transfer of an individual under subsection (a) shall not be considered an entry into the United States for purposes of immigration status.

**SA 2126.** Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. 9002. FLEXIBILITY IN PAYING ANNUITIES TO CERTAIN FEDERAL RETIREES WHO RETURN TO WORK.**

Section 9002(j) of title 5, United States Code, is amended to read as follows:

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

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

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

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

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

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

“(3) An annuitant receiving an annuity from the Civil Service Retirement and Disability Fund who was employed in a position within the Department of Defense following retirement under section 8336(d) or 8414(b) after the date of enactment of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-160) shall, within 90 days after the Department of Defense issues regulations on this subsection and after the Department takes reasonable efforts to notify employees, be able to elect to be covered by paragraph (1) or (2) of this subsection.”

**SA 2127.** Mr. WEBB (for himself and Mrs. McCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 236, line 8, strike “and accounting for” and insert “accounting for, and keeping appropriate records of”.

On page 236, between lines 14 and 15, insert the following:

(C) a process for the registration and identification of armored vehicles, helicopters, and other military vehicles operated by contractors and subcontractors performing private security functions in an area of combat operations;

On page 236, line 15, strike “(C)” and insert “(D)”.

On page 236, beginning on line 15, strike “for the reporting of all incidents in which—” and insert “under which contractors are required to report all incidents, and persons other than contractors are permitted to report incidents, in which—”.

On page 236, line 19, strike “or”.

On page 236, strike line 22 and insert the following:

ations are filled or injured; or

(iii) persons are killed or injured, or property is destroyed, as a result of conduct by contractor personnel;

On page 236, line 23, strike “(D)” and insert “(E)”.

On page 236, line 23, strike “investigating—” and insert “the independent review and, where appropriate, investigation of—”.

On page 236, line 25, strike “(C)” and insert “(D)”.

On page 237, line 4, strike “(E)” and insert “(F)”.

On page 237, line 8, strike “(F)” and insert “(G)”.

On page 237, strike line 15 and insert the following:

(ii) predeployment training requirements for personnel performing private security functions in an area of combat operations, addressing the requirements of this section, resources and assistance available to contractor personnel, country information and cultural training, and guidance on working with host country nationals; and

On page 237, line 16, strike “(ii)” and insert “(iii)”.

On page 237, line 16, strike “rules of engagement” and insert “rules on the use of force”.

On page 238, beginning on line 15, strike “and accounting for” and insert “accounting for, and keeping appropriate records of”.

On page 238, strike line 23 and insert the following:

ations;

(iii) registration and identification of armored vehicles, helicopters, and other military vehicles operated by contractors and subcontractors performing private security functions in an area of combat operations; and

On page 238, line 24, strike “(iii)” and insert “(iv)”.

On page 239, line 4, strike “or”.

On page 239, strike line 7 and insert the following:

bat operations are killed or injured; or

(III) persons are killed or injured, or property is destroyed, as a result of conduct by contractor personnel;

On page 239, line 10, strike “comply with—” and insert “are briefed on and understand their obligation to comply with—”.

On page 240, line 3, strike “rules of engagement” and insert “rules on the use of force”.

**SA 2128.** Mr. REID (for Mr. LAUTENBERG) proposed an amendment to the resolution S. Res. 226, recognizing the month of November 2007 as “National Homeless Youth Awareness Month”; as follows:

On page 3 line 5 after “November.” Strike the period and insert “2007.”

**SA 2129.** Mr. REID (for Mr. LAUTENBERG) proposed an amendment to the resolution S. Res. 226, recognizing the month of November 2007 as “National Homeless Youth Awareness Month”; as follows:

Amend the title to read:

“Recognizing the month of November 2007 as “National Homeless Youth Awareness Month”.

**SA 2130.** Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-

tary personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

**SEC. 1234. REPORT ON SECURITY CAPABILITIES NEEDED TO STABILIZE DARFUR, SUDAN.**

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

(1) the United States should assemble a multinational coalition to stabilize the Darfur region of Sudan; and

(2) the United States Government, with the concurrence of the Government of Chad, should help provide for the necessary improvements to the airfield located in Abeche, Chad, in order to support potential multinational operations, facilitate a possible United Nations deployment to Chad and Darfur, and support humanitarian operations.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to Congress a report on the security capabilities needed to stabilize Darfur.

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

(A) identify countries and multinational organizations, including the North Atlantic Treaty Organization, with the capacity to contribute to the stabilization of Darfur;

(B) describe the current operational status of the airfield located in Abeche, Chad, and include recommendations for upgrades to the Abeche airfield to support enhanced operations and a large increase in air traffic, including a cost-estimate for such upgrades; and

(C) identify the level of forces needed to achieve and maintain stability in Darfur.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mr. LEVIN. Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 11, 2007, at 9 a.m., in order to conduct a hearing on the nominations of the Honorable Bijan Rafiekian, of California, to be a member of the Board of Directors of the Export-Import Bank of the United States; Ms. Diane G. Farrell, of Connecticut, to be a member of the board of directors of the Export-Import Bank of the United States; Mr. William Herbert Heyman, of New York, to be a director of the Securities Investor Protection Corporation; Mr. William S. Jaisen, of Virginia, to be a Director of the Securities Investor Protection Corporation; and Mr. Mark S. Shelton, of Kansas, to be a Director of the Securities Investor Protection Corporation.

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

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, July 11, 2007, at 10 a.m. room 253 of the Russell Senate Office Building.