

to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2260. Mr. LOTT 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 2261. Mr. INHOFE 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 2262. Mr. KENNEDY (for himself, Mr. BINGAMAN, Mrs. CLINTON, Mr. ALEXANDER, and Mr. BUNNING) 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 2263. Mr. PRYOR 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 2264. Mr. LOTT 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 2265. Mr. LEVIN 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 2266. 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, *supra*; which was ordered to lie on the table.

SA 2267. Mr. CHAMBLISS (for himself and Mr. ISAKSON) 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 2268. Mr. DURBIN (for himself, Mr. INOUE, Mr. INHOFE, Mr. OBAMA, Mr. MENENDEZ, Mr. BIDEN, Ms. MIKULSKI, Mrs. DOLE, Mr. REED, Mr. LIEBERMAN, 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 2269. Mr. REED (for Mrs. CLINTON) proposed an amendment to the concurrent resolution S. Con. Res. 27, supporting the goals and ideals of "National Purple Heart Recognition Day".

TEXT OF AMENDMENTS

SA 2210. 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 XXXI, add the following:

SEC. 3126. MODIFICATION OF REPORTING REQUIREMENT.

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

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

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

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

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

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

SA 2211. 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 end of subtitle B of title III, add the following:

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

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

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

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

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

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

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

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the following:

(1) The actions currently being taken (including the resources being made available) by the Department of Defense to control, and to develop new or existing techniques to control, the brown tree snake on Guam and to ensure that the brown tree snake is not introduced into Hawaii, the Commonwealth of the Northern Mariana Island, or the continental United States as a result of the movement from Guam of military aircraft, personnel, and cargo, including the household goods of military personnel.

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

SA 2212. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military

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

At the end of title X, add the following:

SEC. 1070. PROTECTION OF CERTAIN INDIVIDUALS.

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

(1) Secretary of Defense.

(2) Deputy Secretary of Defense.

(3) Chairman of the Joint Chiefs of Staff.

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

(5) Secretaries of the military departments.

(6) Chiefs of the Services.

(7) Commanders of combatant commands.

(b) PROTECTION FOR ADDITIONAL PERSONNEL.—

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

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

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

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

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

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

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

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

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

(5) DURATION OF PROTECTION.—

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

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

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

(6) SUBMISSION TO CONGRESS.—

(A) IN GENERAL.—The Secretary of Defense shall submit to the congressional defense committees a report of each determination made under paragraph (4) to provide protection and security to an individual and of each determination under paragraph (5)(B) to extend such protection and security, together with the justification for such determination, not later than 30 days after the date on which the determination is made.

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

(c) DEFINITIONS.—In this section:

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

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

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

(B) The Naval Criminal Investigative Service.

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

(D) The Defense Criminal Investigative Service.

(E) The Pentagon Force Protection Agency.

(d) CONSTRUCTION.—

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

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

SA 2213. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1008. REPORT ON FUNDING OF THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS FOR HEALTH CARE FOR ANY FISCAL YEAR IN WHICH THE ARMED FORCES ARE ENGAGED IN A MAJOR MILITARY CONFLICT.

If the Armed Forces are involved in a major military conflict when the President submits to Congress the budget for a fiscal year under section 1105 of title 31, United States Code, and either the aggregate amount included in that budget for the Department of Defense or the Department of Veterans Affairs for health care for such fiscal year is less than the aggregate amount provided by Congress for the Department of Defense and the Department of Veterans Affairs for health care for such preceding fiscal year, and, in the case of the Department of Defense, the total allocation from the Defense Health Program to any military department is less than the total such allocation in the preceding fiscal year, the President shall submit to Congress a report on—

(1) the reasons for the determination that inclusion of a lesser aggregate amount is in the national interest; and

(2) the anticipated effects of the inclusion of such lesser aggregate amount on the access to and delivery of medical and support services to members of the Armed Forces, veterans, and their family members.

SA 2214. Mr. LOTT 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 I, add the following:

SEC. 143. SENSE OF CONGRESS ON RAPID FIELD-ING OF ASSOCIATE INTERMODAL PLATFORM SYSTEM AND OTHER INNOVATIVE LOGISTICS SYSTEMS.

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

(1) Use of the Associate Intermodal Platform (AIP) pallet system, developed two years ago by the United States Transportation Command, could save the United States as much as \$1,300,000 for every 1,000 pallets deployed.

(2) The benefits of the usage of the Associate Intermodal Platform pallet system include the following:

(A) The Associate Intermodal Platform pallet system can be used to transport cargo alone within current International Standard of Organization containers and thereby provide further savings in costs of transportation of cargo.

(B) The Associate Intermodal Platform pallet system has successfully passed rigorous testing by the United States Transportation Command at various military instal-

lations in the United States, at a Navy testing lab, and in the field in Iraq, Kuwait, and Antarctica.

(C) By all accounts the Associate Intermodal Platform pallet system has performed well beyond expectations and is ready for immediate production and deployment.

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

(1) rapidly field innovative logistic systems such as the Associated Intermodal Platform pallet system; and

(2) seek in the budget of the President for fiscal year 2009 funds to fully procure innovative logistic systems such as the Associate Intermodal Platform pallet system.

SA 2215. Mr. LOTT (for himself and Mr. LIEBERMAN) 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 II, add the following:

SEC. 214. 10,000-POUND BALLISTIC AERIAL DELIVERY AND SOFT-LANDING SYSTEM.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by \$3,000,000.

(b) AVAILABILITY.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a) \$3,000,000 may be available for Advanced Warfighter Technologies (PE #0603001A) for the 10,000-pound Ballistic Aerial Delivery and Soft-Landing System.

(c) OFFSET.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby reduced by \$3,000,000, with the amount of the reduction to be allocated to amounts available for Aerospace Technology Development and Demonstration (PE #0603211F) for 15 Flight Vehicle Test Integration.

SA 2216. Mr. COLEMAN (for himself 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 C of title V, add the following:

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

(a) ADDITIONAL PERIOD BEFORE RE-TRAINING OF NURSE AIDES IS REQUIRED UNDER THE MEDICARE AND MEDICAID PROGRAMS.—For purposes of subparagraph (D) of sections 1819(b)(5) and 1919(b)(5) of the Social Security Act (42 U.S.C. 1395i-3(b)(5), 1396r(b)(5)), if, since an individual's most recent completion of a training and competency evaluation program described in subparagraph (A) of such

sections, the individual was ordered to active duty in the Armed Forces for a period of at least 12 months, and the individual completes such active duty service during the period beginning on July 1, 2007, and ending on September 30, 2008, the 24-consecutive-month period described subparagraph (D) of such sections with respect to the individual shall begin on the date on which the individual completes such active duty service. The preceding sentence shall not apply to an individual who had already reached such 24-consecutive-month period on the date on which such individual was ordered to such active duty service.

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

SA 2217. Mr. CHAMBLISS 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 IX, add the following:

SEC. 937. PHYSICIANS AND HEALTH CARE PROFESSIONALS COMPARABILITY ALLOWANCES.

(a) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1599. Physicians and health care professionals comparability allowances

“(a) AUTHORITY TO PROVIDE ALLOWANCES.—(1) Notwithstanding any other provision of law, and in order to recruit and retain highly qualified Department of Defense physicians and Department of Defense health care professionals, the Secretary of Defense may, subject to the provisions of this section and such regulations as the President or his designee may prescribe, enter into a service agreement with a Department of Defense physician or a Department of Defense health care professional which provides for such physician or health care professional to complete a specified period of service in the Department of Defense in return for an allowance for the duration of such agreement in an amount to be determined by the Secretary and specified in the agreement, but not to exceed—

“(A) in the case of a Department of Defense physician—

“(i) \$25,000 per annum if, at the time the agreement is entered into, the Department of Defense physician has served as a Department of Defense physician for 24 months or less; or

“(ii) \$40,000 per annum if the Department of Defense physician has served as a Department of Defense physician for more than 24 months; and

“(B) in the case of a Department of Defense health care professional—

“(i) an amount up to \$5,000 per annum if, at the time the agreement is entered into, the Department of Defense health care professional has served as a Department of Defense health care professional for less than 10 years;

“(ii) an amount up to \$10,000 per annum if, at the time the agreement is entered into, the Department of Defense health care professional has served as a Department of Defense health care professional for at least 10 years but less than 18 years; or

“(iii) an amount up to \$15,000 per annum if, at the time the agreement is entered into, the Department of Defense health care professional has served as a Department of Defense health care professional for 18 years or more.

“(2)(A) For the purpose of determining length of service as a Department of Defense physician, service as a physician under section 4104 or 4114 of title 38 or active service as a medical officer in the commissioned corps of the Public Health Service under Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) shall be deemed service as a Department of Defense physician.

“(B) For the purpose of determining length of service as a Department of Defense health care professional, service as a nonphysician health care provider, psychologist, or social worker while serving as an officer described under section 302c(d)(1) of title 37 shall be deemed service as a Department of Defense health care professional.

“(b) CERTAIN PHYSICIANS AND PROFESSIONALS INELIGIBLE.—An allowance may not be paid under this section to any physician or health care professional who—

“(1) is employed on less than a half-time or intermittent basis;

“(2) occupies an internship or residency training position; or

“(3) is fulfilling a scholarship obligation.

“(c) COVERED CATEGORIES OF POSITIONS.—The Secretary of Defense shall, under such regulations, criteria, and conditions as the President or his designee may prescribe, determine categories of positions applicable to physicians and health care professionals within the Department of Defense with respect to which there is a significant recruitment and retention problem for purposes of this section. Only physicians and health care professionals serving in such positions shall be eligible for an allowance under this section. The amounts of each such allowance shall be determined by the Secretary, subject to such regulations, criteria, and conditions as the President or his designee may prescribe, and shall be the minimum amount necessary to deal with the recruitment and retention problem for each such category of physicians and health care professionals.

“(d) PERIOD OF SERVICE.—Any agreement entered into by a physician or health care professional under this section shall be for a period of one year of service in the Department of Defense unless the physician or health care professional requests an agreement for a longer period of service.

“(e) REPAYMENT.—Unless otherwise provided for in the agreement under subsection (f), an agreement under this section shall provide that the physician or health care professional, in the event that such physician or health care professional voluntarily, or because of misconduct, fails to complete at least one year of service under such agreement, shall be required to refund the total amount received under this section, unless the Secretary of Defense, under such regulations as may be prescribed under this section by the President or his designee, determines that such failure is necessitated by circumstances beyond the control of the physician or health care professional.

“(f) TERMINATION OF AGREEMENT.—Any agreement under this section shall specify,

subject to such regulations as the President or his designee may prescribe, the terms under which the Secretary of Defense and the physician or health care professional may elect to terminate such agreement, and the amounts, if any, required to be refunded by the physician or health care professional for each reason for termination.

“(g) CONSTRUCTION WITH OTHER AUTHORITIES.—(1) An allowance paid under this section shall not be considered as basic pay for the purposes of subchapter VI and section 5595 of chapter 55 of title 5, chapter 81 or 87 of title 5, or other benefits related to basic pay.

“(2) Any allowance under this section for a Department of Defense physician or Department of Defense health care professional shall be paid in the same manner and at the same time as the basic pay of the physician or health care professional is paid.

“(h) ANNUAL REPORT.—Not later than June 30 each year, the Secretary of Defense shall submit to Congress a written report on the operation of this section during the preceding year. Each report shall include, with respect to the year covered by such report, information as to—

“(1) the nature and extent of the recruitment or retention problems justifying the use by the Department of Defense of the authority under this section;

“(2) the number of physicians and health care professionals with whom agreements were entered into by the Department of Defense;

“(3) the size of the allowances and the duration of the agreements entered into; and

“(4) the degree to which the recruitment or retention problems referred to in paragraph (1) were alleviated under this section.

“(i) DEFINITIONS.—In this section:

“(1) The term ‘Department of Defense health care professional’ means any individual employed by the Department of Defense who is a qualified health care professional employed as a health care professional and paid under any provision of law specified in subparagraphs (A) through (F) of paragraph (2).

“(2) The term ‘Department of Defense physician’ means any individual employed by the Department of Defense as a physician or dentist who is paid under a provision or provisions of law as follows:

“(A) Section 532 of title 5, relating to the General Schedule.

“(B) Subchapter VIII of chapter 53 of title 5, relating to the Senior Executive Service.

“(C) Section 5371 of title 5, relating to certain health care positions.

“(D) Section 5376, of title 5, relating to certain senior-level positions.

“(E) Section 5377 of title 5, relating to critical positions.

“(F) Subchapter IX of chapter 53 of title 5, relating to special occupational pay systems.

“(3) The term ‘qualified health care professional’ means any individual who is—

“(A) a psychologist who meets the Office of Personnel Management Qualification Standards for the Occupational Series of Psychologist as required by the position to be filled;

“(B) a nurse who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Nurse as required by the position to be filled;

“(C) a nurse anesthetist who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Nurse as required by the position to be filled;

“(D) a physician assistant who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Physician Assistant as required by the position to be filled; or

“(E) a social worker who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Social Worker as required by the position to be filled.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by adding at the end the following new item:

“1599e. Physicians and health care professionals comparability allowances.”.

SA 2218. Mr. CHAMBLISS 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 844, insert the following:

(h) STUDY AND PLAN.—

(1) IN GENERAL.—No amounts in the Fund may be used until the Secretary of Defense develops a plan for establishing the appropriate size of the acquisition workforce of the Department to accomplish inherently governmental functions.

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

(A) identify the positions and skills, due to their inherently governmental nature, that should be supplied by Department of Defense personnel versus contractor personnel;

(B) identify the gaps in skills that exist within the current acquisition workforce of the Department;

(C) create a plan for closing such skill gaps;

(D) create a plan for obtaining a proper match between the level of acquisition expertise within each acquisition program office and the level of risk associated with the acquisition program that the program office is expected to manage; and

(E) identify the additional personnel or hiring authorities that may be required on an interim basis, until such time as the Department of Defense has sufficient government personnel to fill the positions designated as inherently governmental.

(3) REPORT.—Not later than October 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the plan developed under paragraph (1).

SA 2219. Mr. CHAMBLISS 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 872 and insert the following:

SEC. 872. ENHANCED AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN IRAQ, AFGHANISTAN, AND OTHER DESIGNATED AREAS WITHIN THE CENTCOM AREA OF RESPONSIBILITY.

(a) IN GENERAL.—In the case of a product or service to be acquired in support of military operations or stability operations in Iraq, Afghanistan, or other designated con-

tingency area within the area of responsibility of the Central Command (CENTCOM AOR), including security, transition, reconstruction, and humanitarian relief activities, for which the Secretary of Defense makes a determination described in subsection (b), the Secretary may conduct a procurement in which—

(1) competition is limited to products or services that are from Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR;

(2) procedures other than competitive procedures are used to award a contract to a particular source or sources from Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR; or

(3) a preference is provided for products or services that are from Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR.

(b) DETERMINATION.—A determination described in this subsection is a determination by the Secretary that—

(1) the product or service concerned is to be used only by the military forces, police, or other security personnel of Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR; or

(2) it is in the national security interest of the United States to limit competition, use procedures other than competitive procedures, or provide a preference as described in subsection (a) because—

(A) such limitation, procedure, or preference is necessary to provide a stable source of jobs in Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR; and

(B) such limitation, procedure, or preference will not adversely affect—

(i) military operations or stability operations in Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR; or

(ii) the United States industrial base.

(c) PRODUCTS, SERVICES, AND SOURCES FROM IRAQ, AFGHANISTAN, OR OTHER DESIGNATED CONTINGENCY AREA WITHIN THE CENTCOM AOR.—For the purposes of this section:

(1) A product is from Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR if it is mined, produced, or manufactured in Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR.

(2) A service is from Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR if it is performed in Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR by citizens or permanent resident aliens of Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR.

(3) A source is from Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR if it—

(A) is located in Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR; and

(B) offers products or services that are from Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR.

SA 2220. Mr. SESSIONS (for himself, Mr. CHAMBLISS, and Mrs. CLINTON) 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 VI, add the following:

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

(a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—

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

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

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

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

“(1) is—

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

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

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

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

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

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

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

“408a. Travel and transportation allowances: inactive duty training.”.

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

SA 2221. 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 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. 10. COMMERCIALIZATION PILOT PROGRAM.

Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in paragraph (1), by adding at the end the following: “The authority to create and administer a Commercialization Pilot Program under this subsection may not be construed to eliminate or replace any other

SBIR program that enhances the insertion or transition of SBIR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3136).";

(2) by redesignating paragraphs (5) and (6) as paragraphs (7) and (8), respectively;

(3) by inserting after paragraph (4) the following:

"(5) **INSERTION INCENTIVES.**—For any contract with a value of not less than \$100,000,000, the Secretary of Defense and each Secretary of a military department is authorized to—

"(A) establish goals for transitioning Phase III technologies in subcontracting plans;

"(B) change the profit guidelines to increase the incentive for a prime contractor on such a contract to insert SBIR and STTR technology into programs of record or fielded systems; and

"(C) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR projects.

"(6) **GOAL FOR SBIR TECHNOLOGY INSERTION.**—The Secretary of Defense and each Secretary of a military department shall—

"(A) set a goal to increase the number of Phase II contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

"(B) use incentives in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2008, or create new incentives, to encourage prime contractors to meet the goal under subparagraph (A); and

"(C) submit to the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Armed Services and the Committee on Small Business of the House of Representatives an annual report regarding the percentage of contracts described in subparagraph (A) awarded by that Secretary.;" and

(4) in paragraph (8), as so redesignated, by striking "fiscal year 2009" and inserting "fiscal year 2012".

SA 2222. 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. DEFINITIONS.

In this subtitle:

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

(2) The term "formula quantities of strategic special nuclear material" means uranium-235 (contained in uranium enriched to 20 percent or more in the U-235 isotope), uranium-233, or plutonium in any combination in a total quantity of 5,000 grams or more computed by the formula, grams = (grams contained U-235) + 2.5 (grams U-233 + grams plutonium), as set forth in the definitions of

"formula quantity" and "strategic special nuclear material" in section 73.2 of title 10, Code of Federal Regulations.

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

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

SEC. 3132. FINDINGS.

Congress makes the following findings:

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

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

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

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

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

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

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

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

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

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

It is the sense of Congress that—

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

(2) the President should accelerate programs, requesting additional funding as ap-

propriate, to prevent nuclear terrorism, including combating nuclear smuggling, securing and accounting for nuclear weapons, and eliminating, removing, or securing and accounting for formula quantities of strategic special nuclear material wherever such quantities may be;

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

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

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

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

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

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

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

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

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

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

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

subsection (b) as rapidly as possible and in a manner that—

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

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

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

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

SEC. 3135. ANNUAL REPORT.

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

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

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

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

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

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

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

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

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

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

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

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

SA 2223. 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; which was ordered to lie on the table; as follows:

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

SEC. 236. POLICY ON PROGRAMS IN SPACE TO DEFEND UNITED STATES ASSETS.

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

(1) United States space-based satellites provide automated reconnaissance and mapping, aid weather prediction, track fleet and troop movements, give accurate positions of United States and enemy forces, and guide missiles and pilotless planes to their targets during military operations.

(2) United States access to space is dependent upon our ability to defend our space assets.

(3) China has an aggressive mission to gain space power, and on January 17, 2007, China successfully conducted an anti-satellite (ASAT) weapons test that successfully destroyed an inactive Chinese weather satellite.

(4) Space-based weapons in the hands of hostile states constitute an asymmetric capability designed to undermine United States strengths.

(5) Space-based assets have the potential to prevent interference with United States satellites.

(b) POLICY.—It is the policy of the United States to protect its military and civilian satellites and to research all potential means of doing so.

SA 2224. 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; which was ordered to lie on the table; as follows:

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

SEC. 325. OPERATION JUMP START.

(a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE ACTIVITIES.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby increased by \$400,000,000.

(b) AVAILABILITY OF AMOUNT.—

(1) IN GENERAL.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, as increased by subsection (a), \$400,000,000 may be available for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border.

(2) SUPPLEMENT NOT SUPPLANT.—The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available in this Act for that purpose.

SA 2225. 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; which was ordered to lie on the table; as follows:

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

SEC. 236. BALLISTIC MISSILE DEFENSE SPACE TESTBED.

Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities—

(1) the amount available for the Ballistic Missile Defense Space Testbed (PE#0603895C) is hereby increased by \$10,000,000; and

(2) the amount available for Ballistic Missile Defense Technology (PE#0603175C) is hereby decreased by \$10,000,000.

SA 2226. 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . STATE SPONSORS OF TERRORISM.

(a) DEFINITION.—In this section, the term “state sponsor of terrorism” means any country, the government of which has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism pursuant to—

(1) section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or any successor thereto);

(2) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(3) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)).

(b) SECURITIES AND EXCHANGE COMMISSION DISCLOSURE OF BUSINESS TIES TO STATE SPONSORS OF TERROR.—

(1) REQUIREMENT FOR A SECURITIES AND EXCHANGE COMMISSION REPORT.—Not later than 90 days after the date of enactment of this Act and annually thereafter, the Securities and Exchange Commission (in this section referred to as the “Commission”) shall prepare and submit to Congress a report on business activities carried out with state sponsors of terrorism.

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

(A) a list of all persons required to make periodic or other filings pursuant to section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) that disclose in filings with the Commission business activity in or with a country that is a state sponsor of terrorism, or an instrumentality of such a country;

(B) a description of such business activities carried out by each person referred to in subparagraph (A);

(C) the value of such activities carried out by each person referred to in subparagraph (A); and

(D) a description of the disclosure standard in effect at the time at which the content of the report was collected, if it has changed from the time of the first or most recent report submitted pursuant to paragraph (1), and the criteria for persons to register under section 12(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)).

(3) PUBLICATION OF REPORT.—The Commission shall make the report required by this subsection available on its website in an easily accessible and searchable format.

(4) STRENGTHENING SECURITIES AND EXCHANGE COMMISSION DISCLOSURE REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Commission shall issue regulations to require disclosure by all persons required to make periodic or other filings pursuant to section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) of business activity in an amount equal to more than \$1,000,000, either directly or through an affiliate, in or with a country that is a state sponsor of terrorism, or an instrumentality of such country.

(c) REPORT ON BUSINESS TIES TO STATE SPONSORS OF TERRORISM.—

(1) REQUIREMENT FOR REPORT.—Not later than 270 days after the date of enactment of this Act, and annually thereafter, the Director of National Intelligence shall submit to Congress a classified report on business activities carried out with state sponsors of terrorism.

(2) DATA.—The Director of National Intelligence shall use all data available from elements of the intelligence community (as that term is defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), the Secretary of Commerce, the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Secretary of the Treasury, the Chairman of the Securities and Exchange Commission, and other appropriate governmental and nongovernmental entities to prepare the report required by paragraph (1).

(3) CONTENT.—The report required by paragraph (1) shall include—

(A) a list of persons, including foreign persons, that carry out business activities in or with a country that is a state sponsor of terrorism, or an instrumentality of such a country;

(B) a description of such business activities carried out by each such person;

(C) the value of such activities carried out by each such person;

(D) an assessment of likely omissions and incompleteness in the report required by paragraph (1);

(E) if necessary, differentiation by the degree of reliability of the data used to prepare the such report;

(F) a description of available options to increase the completeness and reliability of such data;

(G) an assessment of the economic condition of each state sponsor of terrorism; and

(H) an assessment of the effects of implementing various divestiture and sanctions options against each state sponsor of terrorism.

(d) GOVERNMENT ACCOUNTABILITY OFFICE REPORTS.—

(1) EVALUATION OF DIRECTOR OF NATIONAL INTELLIGENCE AND SECURITIES AND EXCHANGE COMMISSION REPORTS.—Not later than 90 days after the date of delivery of the report of the Director of National Intelligence under subsection (c), and annually thereafter, the Comptroller General of the United States shall prepare and submit to Congress a report that compares the report of the Com-

mission submitted under subsection (b) and the report of the Director submitted under subsection (c), to include—

(A) a comparison of included persons and business activities;

(B) measures that evaluate the completeness of each report;

(C) measures that evaluate the reliability of each report; and

(D) an assessment of options to increase the completeness and reliability of such data.

(2) INVESTMENT REPORT.—Not later than 90 days after the date of delivery of the report of the Director of National Intelligence under subsection (c), and annually thereafter, the Comptroller General of the United States shall prepare and submit to Congress, a report—

(A) that, in an unclassified section, contains the names of persons described in subsection (b)(2)(A) that are included in each of the major investable financial market indices and the holdings of the Federal Thrift Savings Plan of the Federal Retirement Thrift Investment Board (in this paragraph referred to as the “TSP”), including—

(i) the percentage of each such index and TSP holdings comprised of such persons; and

(ii) the dollar capitalization of each such person;

(B) that, in a classified section, contains the names of persons described in subsection (c)(3)(A) that are included in each of the major investable financial market indices and the holdings of the TSP, including—

(i) the percentage of each such index and TSP holdings comprised of such persons; and

(ii) the dollar capitalization of each such person; and

(C) the unclassified section of which is made available on the website of the Government Accountability Office in an easily accessible and searchable format.

(3) GOVERNMENT CONTRACTING REPORT.—Not later than 90 days after the date of delivery of the report of the Director of National Intelligence under subsection (c), and annually thereafter, the Comptroller General of the United States shall prepare and submit to Congress a report—

(A) that, in an unclassified section, contains the names of the persons described in subsection (b)(2)(A), the nature of the activity, and the value of United States Government active contracting for the procurement of goods or services with any such person;

(B) that, in a classified section, contains the names of the persons described in subsection (c)(3)(A), the nature of the activity, and the value of United States Government active contracting for the procurement of goods or services with any such person; and

(C) the unclassified section of which is made available on the website of the Government Accountability Office in an easily accessible and searchable format.

(e) AUTHORIZATION FOR CERTAIN STATE AND LOCAL DIVESTMENT MEASURES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, any State, locality, or United States college or university may adopt measures to prohibit any investment of State, local, college, or university assets in the Government of a state sponsor of terror, or in any person with a qualifying business relationship with a state sponsor of terrorism.

(2) APPLICABILITY.—Paragraph (1) shall apply to measures adopted before, on, or after the date of enactment of this Act.

(f) INVESTMENT COMPANY ACT OF 1940.—Section 13 of the Investment Company Act of 1940 (15 U.S.C. 80a-13) is amended by adding at the end the following:

“(c) SAFE HARBOR FOR CHANGES IN INVESTMENT POLICIES.—

“(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, no person may bring any civil, criminal, or administrative action against any registered investment company or person providing services to such registered investment company (including its investment adviser), or any employee, officer, or director thereof, based solely upon the investment company divesting from, or avoiding investing in, securities issued by persons that are included on the most recent list published under section 3(a)(1) of the Iran Sanctions Enabling Act, as modified under section 3(b) of that Act.

“(2) DEFINITION.—For purposes of this subsection, the term ‘person’ includes the Federal Government and any State or political subdivision of a State.”

(g) INCREASED PENALTIES UNDER THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—

(1) IN GENERAL.—Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) is amended to read as follows:

“SEC. 206. PENALTIES.

“(a) UNLAWFUL ACTS.—It shall be unlawful for a person to violate, attempt to violate, conspire to violate, or cause a violation of any license, order, regulation, or prohibition issued under this title.

“(b) CIVIL PENALTY.—A civil penalty may be imposed on any person who commits an unlawful act described in subsection (a) in an amount not to exceed the greater of—

“(1) \$250,000; or

“(2) an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

“(c) CRIMINAL PENALTY.—A person who willfully commits, willfully attempts to commit, or willfully conspires to commit, or aids or abets in the commission of, an unlawful act described in subsection (a) shall, upon conviction, be fined not more than \$1,000,000, or if a natural person, may be imprisoned for not more than 20 years, or both.”

(2) EFFECTIVE DATE.—The amendment made by this subsection applies to violations described in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) with respect to which enforcement action is pending or commenced on or after the date of enactment of this Act.

SA 2227. 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; which was ordered to lie on the table; as follows:

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

SEC. 1205. LIMITATION ON AVAILABILITY OF FOREIGN MILITARY FINANCING PROGRAM ASSISTANCE FOR EGYPT.

Of the amount appropriated or otherwise made available by any Act making appropriations for the Department of State, foreign operations, and related programs for fiscal year 2008 for the Foreign Military Financing Program and available for assistance for Egypt, \$200,000,000 may not be made available to be obligated or expended until the Secretary of State certifies that the Government of Egypt has taken concrete and measurable steps—

(1) to enact and implement a new judicial authority law that protects the independence of the judiciary;

(2) to review criminal procedures and train police leadership in modern policing to curb police abuses; and

(3) to detect and destroy the smuggling network and smuggling tunnels that lead from Egypt to Gaza.

SA 2228. Mr. BROWNBACK 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:

In section 1203, strike subsection (a) and insert the following:

(a) **AUTHORITY FOR FISCAL YEAR 2008.**—

(1) **IN GENERAL.**—During fiscal year 2008, from funds made available to the Department of Defense for operation and maintenance for such fiscal year, not to exceed \$977,441,000 may be used by the Secretary of Defense in such fiscal year to provide funds—

(A) for the Commanders' Emergency Response Program in Iraq for the purpose of enabling United States military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people; and

(B) for a similar program to assist the people of Afghanistan.

(2) **VOLUNTARY RELOCATION IN IRAQ.**—The response to urgent humanitarian relief and reconstruction requirements referred to in paragraph (1)(A) shall include using direct payments, job creation, and housing assistance to facilitate the relocation of Iraqi individuals and families, if, in the judgment of United States military commanders in Iraq—

(A) such individuals and families are affiliated with a sect that comprises no more than half of the population of the neighborhood or community in which they reside;

(B) such individuals and families are likely targets of violence because of their sectarian affiliation;

(C) such individuals and families desire to relocate to a neighborhood or community where their sect comprises a substantial majority of the population; and

(D) the security of a particular neighborhood or community can be improved with the relocation of sectarian minorities.

SA 2229. Mr. BROWNBACK 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. COUNTERTERRORISM ASSISTANCE TO SECURITY FORCES IN THE KURDISTAN REGION.

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

(1) Turkey, a key ally of the United States and an important fellow member of NATO, faces a terrorist threat from the Kurdistan Workers Party, or PKK, an organization included on the Department of State's list of foreign terrorist organizations.

(2) Some PKK members now reside in, plan, or launch terrorist operations from northern Iraq.

(3) Iraq, a sovereign nation, is obliged under international law to protect neighboring countries from threats emanating from within its own borders.

(4) The Kurdistan Regional Government, which oversees a three-province, constitutionally-recognized region of Iraq that is largely stable and peaceful, requires additional capacity to eliminate terrorist-related activities, including those of the PKK, that exist within its boundaries.

(5) The Georgia Train and Equip Program, started in 2002—

(A) enhanced the counterterrorism, border security, and intelligence capabilities of the Government of Georgia;

(B) successfully mitigated the growing threat of international terrorism within the borders of Georgia; and

(C) contributed to greater regional stability and made a positive contribution to relations between the Governments of Georgia and Russia.

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

(1) peace and stability along the border between Turkey and Iraq is essential for the long-term security of Iraq; and

(2) the Georgia Train and Equip Program provides a model for security assistance necessary to counter terrorist threats in northern Iraq.

(c) **ASSISTANCE PROGRAM.**—The Commander, Multi-National Security Transition Command-Iraq, shall develop and implement a program, modeled after the Georgia Train and Equip Program, to assist the Government of Iraq and the Kurdistan Regional Government in securing Iraq's border with Turkey and eliminating terrorist safe havens, including by providing assistance—

(1) to secure Iraq's border with Turkey;

(2) to eliminate PKK safe havens in the Kurdistan Region; and

(3) to enhance the intelligence gathering and border security capabilities of the Government of Iraq.

(d) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Commander, Multi-National Security Transition Command-Iraq, shall report to Congress on the progress in developing and implementing the program required under subsection (c).

SA 2230. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed to amendment SA 2045 submitted by Mr. WARNER (for himself and Mr. WEBB) 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:

In lieu of the matter proposed to be inserted, insert the following:

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

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

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

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

(3) While it is in the interest of the United States to have a robust defense relationship

with Thailand, it is appropriate that the United States has curtailed certain military-to-military cooperation and assistance programs until democratic rule has been restored in Thailand.

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

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

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

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

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

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

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

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

SA 2231. Mr. VITTER 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. ACCESS TO STUDENT RECRUITING INFORMATION.

Section 503(c) of title 10, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following: "(1)(A) Each local educational agency receiving assistance under the Elementary and Secondary Education Act of 1965—

"(i) shall provide to military recruiters the same access to secondary school students as is provided generally to postsecondary educational institutions or to prospective employers of those students; and

"(ii) shall provide, upon a request made by a military recruiter for military recruiting purposes, access to the name, address, and telephone listing of each secondary school student served by the local educational agency, notwithstanding section 444(a)(5)(B) of the General Education Provisions Act (20 U.S.C. 1232g(a)(5)(B)), unless the parent of

such student has submitted the prior consent request under subparagraph (B).

“(B)(i) The parent of a secondary school student may submit a written request, to the local educational agency, that the student’s name, address, and telephone listing not be released for purposes of subparagraph (A) without prior written parental consent. Upon receiving a request, the local educational agency may not release the student’s name, address, and telephone listing for such purposes without the prior written consent of the parent.

“(ii) Each local educational agency shall notify parents of the option to make a request described in clause (i).

“(C) Nothing in this paragraph shall be construed to allow a local educational agency to withhold access to a student’s name, address, and telephone listing from a military recruiter or institution of higher education by implementing an opt-in process or any other process other than the written consent request process under subparagraph (B)(i).

“(D) PARENTAL CONSENT.—For purposes of this paragraph, whenever a student has attained eighteen years of age, the permission or consent required of and the rights accorded to the parents of the student shall only be required of and accorded to the student.”

(2) by striking paragraphs (2), (3), and (4) and inserting the following:

“(2)(A) If a local educational agency denies recruiting access to a military recruiter under this section, the Secretary shall notify—

“(i) the Governor of the State in which the local educational agency is located; and

“(ii) the Secretary of Education.

“(B) Upon receiving a notification under subparagraph (A), the Secretary of Education—

“(i) shall, consistent with the provisions of part D of title IV of the General Education Provisions Act (20 U.S.C. 1234c), determine whether the local educational agency is failing to comply substantially with the requirements of this subsection; and

“(ii) upon determining that the local educational agency has failed to comply substantially with such requirements, may impose a penalty or enforce a remedy available for a violation of section 9528(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7908(a)) in the same manner as such penalty or remedy would apply to a local educational agency that violated such section.”; and

(3) by redesignating paragraphs (5) and (6) as paragraphs (3) and (4), respectively.

SA 2232. Mrs. HUTCHISON 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:

SEC. 1070. REPORT ON FEASIBILITY OF HOUSING A DOMESTIC MILITARY AVIATION NATIONAL TRAINING CENTER AT ELLINGTON FIELD, TEXAS.

(a) IN GENERAL.—Not later than March 31, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of utilizing existing infrastructure or installing new infrastructure at Ellington Field, Texas, to house a

Domestic Military Aviation National Training Center (DMA-NTC) for current and future operational reconnaissance and surveillance missions of the National Guard that support local, State, and Federal law enforcement agencies.

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

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

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

(3) determine the cost of locating such a training center at Ellington Field, Texas, for the purpose of preempting and responding to security threats and responding to crises.

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

SA 2233. Mrs. HUTCHISON 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:

SEC. 1070. REPORT ON FEASIBILITY OF HOUSING A NATIONAL DISASTER RESPONSE CENTER AT KELLY AIR FIELD, SAN ANTONIO, TEXAS.

(a) IN GENERAL.—Not later than March 31, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of utilizing existing infrastructure or installing new infrastructure at Kelly Air Field, San Antonio, Texas, to house a National Disaster Response Center for responding to man-made and natural disasters in the United States.

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

(1) A determination of how the National Disaster Response Center would organize and leverage capabilities of the following currently co-located organizations, facilities, and forces located in San Antonio, Texas:

(A) Lackland Air Force Base.

(B) Fort Sam Houston.

(C) Brooke Army Medical Center.

(D) Wilford Hall Medical Center.

(E) Audie Murphy Veterans Administration Medical Center.

(F) 433rd Airlift Wing C-5 Heavy Lift Aircraft.

(G) 149 Fighter Wing and Texas Air National Guard F-16 fighter aircraft.

(H) Army Northern Command.

(I) The National Trauma Institute’s three level 1 trauma centers.

(J) Texas Medical Rangers.

(K) San Antonio Metro Health Department.

(L) The University of Texas Health Science Center at San Antonio.

(M) The Air Intelligence Surveillance and Reconnaissance Agency at Lackland Air Force Base.

(N) The United States Air Force Security Police Training Department at Lackland Air Force Base.

(O) The large manpower pools and blood donor pools from the more than 6,000 trainees at Lackland Air Force Base.

(2) Determine the number of military and civilian personnel required to be mobilized to run the logistics, planning, and maintenance of the National Disaster Response Center during a time of disaster recovery.

(3) Determine the number of military and civilian personnel required to run the logistics, planning, and maintenance of the National Disaster Response Center during a time when no disaster is occurring.

(4) Determine the cost of improving the current infrastructure at Kelly Air Field to meet the needs of displaced victims of a disaster equivalent to that of Hurricanes Katrina and Rita or a natural or man-made disaster of similar scope, including adequate beds, food stores, and decontamination stations to triage radiation or other chemical or biological agent contamination victims.

SA 2234. Mr. SALAZAR (for himself and Mr. SESSIONS) 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, the following:

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

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

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

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

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

“(A) that—

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

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

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

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

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

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

“(g) FUNDING FOR SUPPORT OF CERTAIN EVENTS.—(1) Amounts for the provision of support for a sporting event described in paragraph (4) or (5) of subsection (c) 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 2235. Mr. REID (for himself and Ms. SNOWE) 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 in title VI, insert the following:

SEC. ____. **INCLUSION OF VETERANS WITH SERVICE-CONNECTED DISABILITIES RATED AS TOTAL BY REASON OF UNEMPLOYABILITY UNDER TERMINATION OF PHASE-IN OF CONCURRENT RECEIPT OF RETIRED PAY AND VETERANS' DISABILITY COMPENSATION.**

(a) **INCLUSION OF VETERANS.**—Section 1414(a)(1) of title 10, United States Code, is amended by inserting “or a qualified retiree receiving veterans' disability compensation for a disability rated as total (within the meaning of subsection (e)(3)(B))” after “rated as 100 percent”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on December 31, 2004.

SA 2236. Mr. REID (for himself and Ms. SNOWE) 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 in title VI, insert the following:

SEC. ____. **ELIGIBILITY FOR PAYMENT OF BOTH RETIRED PAY AND VETERANS' DISABILITY COMPENSATION FOR CERTAIN MILITARY RETIREES WITH COMPENSABLE SERVICE-CONNECTED DISABILITIES.**

(a) **EXTENSION OF CONCURRENT RECEIPT AUTHORITY TO RETIREES WITH SERVICE-CONNECTED DISABILITIES RATED LESS THAN 50 PERCENT.**—

(1) **REPEAL OF 50 PERCENT REQUIREMENT.**—Section 1414 of title 10, United States Code, is amended by striking paragraph (2) of subsection (a).

(2) **COMPUTATION.**—Paragraph (1) of subsection (c) of such section is amended by adding at the end the following new subparagraph:

“(G) For a month for which the retiree receives veterans' disability compensation for a disability rated as 40 percent or less or has a service-connected disability rated as zero percent, \$0.”.

(b) **REPEAL OF PHASE-IN OF CONCURRENT RECEIPT FOR RETIREES WITH SERVICE-CONNECTED DISABILITIES RATED AS TOTAL.**—

NECTED DISABILITIES RATED AS TOTAL.—Subsection (a)(1) of such section is amended by striking “except that” and all that follows and inserting “except—

“(A) in the case of a qualified retiree receiving veterans' disability compensation for a disability rated as 100 percent, payment of retired pay to such veteran is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004; and

“(B) in the case of a qualified retiree receiving veterans' disability compensation for a disability rated as total by reason of unemployability, payment of retired pay to such veteran is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2007.”.

(c) CLERICAL AMENDMENTS.—

(1) The heading for section 1414 of such title is amended to read as follows:

“§ 1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation”.

(2) The item relating to such section in the table of sections at the beginning of chapter 71 of such title is amended to read as follows:

“1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation.”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on January 1, 2008, and shall apply to payments for months beginning on or after that date.

SEC. ____. **COORDINATION OF SERVICE ELIGIBILITY FOR COMBAT-RELATED SPECIAL COMPENSATION AND CONCURRENT RECEIPT.**

(a) **ELIGIBILITY FOR TERA RETIREES.**—Subsection (c) of section 1413a of title 10, United States Code, is amended by striking “entitled to retired pay who—” and inserting “who—

“(1) is entitled to retired pay, other than a member retired under chapter 61 of this title with less than 20 years of service creditable under section 1405 of this title and less than 20 years of service computed under section 12732 of this title; and

“(2) has a combat-related disability.”.

(b) **AMENDMENTS TO STANDARDIZE SIMILAR PROVISIONS.**—

(1) **CLERICAL AMENDMENT.**—The heading for paragraph (3) of section 1413a(b) of such title is amended by striking “RULES” and inserting “RULE”.

(2) **QUALIFIED RETIREES.**—Subsection (a) of section 1414 of such title, as amended by section 2(a), is amended—

(A) by striking “a member or” and all that follows through “retiree” and inserting “a qualified retiree”; and

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

“(2) **QUALIFIED RETIREES.**—For purposes of this section, a qualified retiree, with respect to any month, is a member or former member of the uniformed services who—

“(A) is entitled to retired pay, other than in the case of a member retired under chapter 61 of this title with less than 20 years of service creditable under section 1405 of this title and less than 20 years of service computed under section 12732 of this title; and

“(B) is also entitled for that month to veterans' disability compensation.”.

(3) **DISABILITY RETIREES.**—Subsection (b) of section 1414 of such title is amended—

(A) by striking “SPECIAL RULES” in the subsection heading and all that follows through “is subject to” and inserting “SPECIAL RULE FOR CHAPTER 61 DISABILITY RETIREES.”—In the case of a qualified retiree who is retired under chapter 61 of this title, the retired pay of the member is subject to”; and

(B) by striking paragraph (2).

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on January 1, 2008, and shall apply to payments for months beginning on or after that date.

SA 2237. Mr. DURBIN (for himself,

Mr. HAGEL, Mr. LUGAR, Mr. LEAHY, Mr. OBAMA, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. KERRY, Mr. FEINGOLD, Mrs. CLINTON, Mr. BAYH, Mr. MENENDEZ, Mrs. MURRAY, Mrs. BOXER, Ms. CANTWELL, Mr. SALAZAR, and 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, add the following:

TITLE XXXIII—DREAM ACT OF 2007

SEC. 3301. SHORT TITLE.

This title may be cited as the “Development, Relief, and Education for Alien Minors Act of 2007” or the “DREAM Act of 2007”.

SEC. 3302. DEFINITIONS.

In this title:

(1) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) **UNIFORMED SERVICES.**—The term “uniformed services” has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 3303. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.

(a) **IN GENERAL.**—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1263) is repealed.

(b) **EFFECTIVE DATE.**—The repeal under subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-546).

SEC. 3304. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) **SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law and except as otherwise provided in this title, the Secretary of Homeland Security may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 3305, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this title, and had not yet reached the age of 16 years at the time of initial entry;

(B) the alien has been a person of good moral character since the time of application;

(C) the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(E), or (10)(C) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)); and

(ii) is not deportable under paragraph (1)(E), (2), or (4) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a));

(D) the alien, at the time of application, has been admitted to an institution of higher education in the United States, or has earned a high school diploma or obtained a general education development certificate in the United States; and

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien—

(i) has remained in the United States under color of law after such order was issued; or

(ii) received the order before attaining the age of 16 years.

(2) WAIVER.—Notwithstanding paragraph (1), the Secretary of Homeland Security may waive the ground of ineligibility under section 212(a)(6)(E) of the Immigration and Nationality Act and the ground of deportability under paragraph (1)(E) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) PROCEDURES.—The Secretary of Homeland Security shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(b) TERMINATION OF CONTINUOUS PERIOD.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(1) IN GENERAL.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary of Homeland Security may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child.

(d) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this title, the Secretary of Homeland Security shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) INTERIM, FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary of Homeland Security shall publish final regulations implementing this section.

(f) REMOVAL OF ALIEN.—The Secretary of Homeland Security may not remove any alien who has a pending application for conditional status under this title.

SEC. 3305. CONDITIONAL PERMANENT RESIDENT STATUS.

(a) IN GENERAL.—

(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of law, and except as provided in section 3306, an alien whose status has been adjusted under section 3304 to that of an alien lawfully admitted for permanent residence shall be considered to have obtained such status on a conditional basis subject to the provisions of this section. Such conditional permanent resident status shall be valid for a period of 6 years, subject to termination under subsection (b).

(2) NOTICE OF REQUIREMENTS.—

(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to the alien regarding the provisions of this section and the requirements of subsection (c) to have the conditional basis of such status removed.

(B) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Secretary of Homeland Security to provide a notice under this paragraph—

(i) shall not affect the enforcement of the provisions of this title with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

(b) TERMINATION OF STATUS.—

(1) IN GENERAL.—The Secretary of Homeland Security shall terminate the conditional permanent resident status of any alien who obtained such status under this title, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 3304(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) RETURN TO PREVIOUS IMMIGRATION STATUS.—Any alien whose conditional permanent resident status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this title.

(c) REQUIREMENTS OF TIMELY PETITION FOR REMOVAL OF CONDITION.—

(1) IN GENERAL.—In order for the conditional basis of permanent resident status obtained by an alien under subsection (a) to be removed, the alien must file with the Secretary of Homeland Security, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (2)(A).

(2) ADJUDICATION OF PETITION TO REMOVE CONDITION.—

(A) IN GENERAL.—If a petition is filed in accordance with paragraph (1) for an alien, the Secretary of Homeland Security shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident status of the alien as of the date of the determination.

(3) TIME TO FILE PETITION.—An alien may petition to remove the conditional basis to lawful resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary of Homeland Security in accordance with this title. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

(d) DETAILS OF PETITION.—

(1) CONTENTS OF PETITION.—Each petition for an alien under subsection (c)(1) shall contain information to permit the Secretary of Homeland Security to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 3304(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States.

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of each secondary school (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that the alien attended in the United States.

(2) HARSHSHIP EXCEPTION.—

(A) IN GENERAL.—The Secretary of Homeland Security may, in the Secretary's discretion, remove the conditional status of an alien if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(iii) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) EXTENSION.—Upon a showing of good cause, the Secretary of Homeland Security may extend the period of conditional resident status for the purpose of completing the requirements described in paragraph (1)(D).

(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence. However, the conditional basis must

be removed before the alien may apply for naturalization.

SEC. 3306. RETROACTIVE BENEFITS.

If, on the date of enactment of this title, an alien has satisfied all the requirements of subparagraphs (A) through (E) of section 3304(a)(1) and section 3305(d)(1)(D), the Secretary of Homeland Security may adjust the status of the alien to that of a conditional resident in accordance with section 3304. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 3305(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 3305(d)(1) during the entire period of conditional residence.

SEC. 3307. EXCLUSIVE JURISDICTION.

(a) IN GENERAL.—The Secretary of Homeland Security shall have exclusive jurisdiction to determine eligibility for relief under this title, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this title, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this title.

(b) STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOL.—The Attorney General shall stay the removal proceedings of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 3304(a)(1);

(2) is at least 12 years of age; and

(3) is enrolled full time in a primary or secondary school.

(c) EMPLOYMENT.—An alien whose removal is stayed pursuant to subsection (b) may be engaged in employment in the United States consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and State and local laws governing minimum age for employment.

(d) LIFT OF STAY.—The Attorney General shall lift the stay granted pursuant to subsection (b) if the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of subsection (b)(1).

SEC. 3308. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.

Whoever files an application for relief under this title and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 3309. CONFIDENTIALITY OF INFORMATION.

(a) PROHIBITION.—Except as provided in subsection (b), no officer or employee of the United States may—

(1) use the information furnished by the applicant pursuant to an application filed under this title to initiate removal proceedings against any persons identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this title can be identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of applications filed under this title with a designated entity, that designated entity, to examine applications filed under this title.

(b) REQUIRED DISCLOSURE.—The Attorney General or the Secretary of Homeland Security shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than \$10,000.

SEC. 3310. EXPEDITED PROCESSING OF APPLICATIONS; PROHIBITION ON FEES.

Regulations promulgated under this title shall provide that applications under this title will be considered on an expedited basis and without a requirement for the payment by the applicant of any additional fee for such expedited processing.

SEC. 3311. HIGHER EDUCATION ASSISTANCE.

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this title shall be eligible only for the following assistance under such title:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

SEC. 3312. GAO REPORT.

Not later than seven years after the date of enactment of this title, the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives setting forth—

(1) the number of aliens who were eligible for cancellation of removal and adjustment of status under section 3304(a);

(2) the number of aliens who applied for adjustment of status under section 3304(a);

(3) the number of aliens who were granted adjustment of status under section 3304(a); and

(4) the number of aliens whose conditional permanent resident status was removed under section 3305.

SA 2238. Mr. DURBIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 2143 submitted by Mr. CORNYN 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 1, between lines 1 and 2, insert the following:

DIVISION D—IMMIGRATION

TITLE XXXIII—IMMIGRATION FRAUD PREVENTION

SEC. 3301. SHORT TITLE.

This division may be cited as the “H-1B and L-1 Visa Fraud and Abuse Prevention Act of 2007”.

SEC. 3302. H-1B EMPLOYER REQUIREMENTS.

(a) APPLICATION OF NONDISPLACEMENT AND GOOD FAITH RECRUITMENT REQUIREMENTS TO ALL H-1B EMPLOYERS.—

(1) AMENDMENTS.—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (E);

(I) in clause (i), by striking “(E)(i) In the case of an application described in clause (ii), the” and inserting “(E) The”; and

(II) by striking clause (ii);

(ii) in subparagraph (F), by striking “In the case of” and all that follows through “where—” and inserting the following: “The employer will not place the nonimmigrant with another employer if—”; and

(iii) in subparagraph (G), by striking “In the case of an application described in subparagraph (E)(ii), subject” and inserting “Subject”;

(B) in paragraph (2)—

(i) in subparagraph (E), by striking “If an H-1B-dependent employer” and inserting “If an employer that employs H-1B nonimmigrants”; and

(ii) in subparagraph (F), by striking “The preceding sentence shall apply to an employer regardless of whether or not the employer is an H-1B-dependent employer.”; and

(C) by striking paragraph (3).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(b) NONDISPLACEMENT REQUIREMENT.

(1) EXTENDING TIME PERIOD FOR NONDISPLACEMENT.—Section 212(n) of such Act, as amended by subsection (a), is further amended—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking “90 days” each place it appears and inserting “180 days”;

(ii) in subparagraph (F)(ii), by striking “90 days” each place it appears and inserting “180 days”; and

(B) in paragraph (2)(C)(iii), by striking “90 days” each place it appears and inserting “180 days”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall apply to applications filed on or after the date of the enactment of this Act; and

(B) shall not apply to displacements for periods occurring more than 90 days before such date.

(C) PUBLIC LISTING OF AVAILABLE POSITIONS.—

(1) LISTING OF AVAILABLE POSITIONS.—Section 212(n)(1)(C) of such Act is amended—

(A) in clause (i), by striking “(i) has provided” and inserting the following: “(ii)(I) has provided”;

(B) by redesignating clause (ii) as subclause (II); and

(C) by inserting before clause (ii), as redesignated, the following:

“(i) has advertised the job availability on the list described in paragraph (6), for at least 30 calendar days; and”.

(2) LIST MAINTAINED BY THE DEPARTMENT OF LABOR.—Section 212(n) of such Act, as amended by this section, is further amended by adding at the end the following:

“(6)(A) Not later than 90 days after the date of the enactment of this paragraph, the Secretary of Labor shall establish a list of

available jobs, which shall be publicly accessible without charge—

“(i) on a website maintained by the Department of Labor, which website shall be searchable by—

“(I) the name, city, State, and zip code of the employer;

“(II) the date on which the job is expected to begin;

“(III) the title and description of the job; and

“(IV) the State and city (or county) at which the work will be performed; and

“(ii) at each 1-stop center created under the Workforce Investment Act of 1998 (Public Law 105-220).

“(B) Each available job advertised on the list shall include—

“(i) the employer's full legal name;

“(ii) the address of the employer's principal place of business;

“(iii) the employer's city, State and zip code;

“(iv) the employer's Federal Employer Identification Number;

“(v) the phone number, including area code and extension, as appropriate, of the hiring official or other designated official of the employer;

“(vi) the e-mail address, if available, of the hiring official or other designated official of the employer;

“(vii) the wage rate to be paid for the position and, if the wage rate in the offer is expressed as a range, the bottom of the wage range;

“(viii) whether the rate of pay is expressed on an annual, monthly, biweekly, weekly, or hourly basis;

“(ix) a statement of the expected hours per week that the job will require;

“(x) the date on which the job is expected to begin;

“(xi) the date on which the job is expected to end, if applicable;

“(xii) the number of persons expected to be employed for the job;

“(xiii) the job title;

“(xiv) the job description;

“(xv) the city and State of the physical location at which the work will be performed; and

“(xvi) a description of a process by which a United States worker may submit an application to be considered for the job.

“(C) The Secretary of Labor may charge a nominal filing fee to employers who advertise available jobs on the list established under this paragraph to cover expenses for establishing and administering the requirements under this paragraph.

“(D) The Secretary may promulgate rules, after notice and a period for comment—

“(i) to carry out the requirements of this paragraph; and

“(ii) that require employers to provide other information in order to advertise available jobs on the list.”.

(3) EFFECTIVE DATE.—Paragraph (1) shall take effect for applications filed at least 30 days after the creation of the list described in paragraph (2).

(d) H-1B NONIMMIGRANTS NOT ADMITTED FOR JOBS ADVERTISED OR OFFERED ONLY TO H-1B NONIMMIGRANTS.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(1) by inserting after subparagraph (G) the following:

“(H)(i) The employer has not advertised the available jobs specified in the application in an advertisement that states or indicates that—

“(I) the job or jobs are only available to persons who are or who may become H-1B nonimmigrants; or

“(II) persons who are or who may become H-1B nonimmigrants shall receive priority or a preference in the hiring process.

“(ii) The employer has not only recruited persons who are, or who may become, H-1B nonimmigrants to fill the job or jobs.”; and

(2) in the undesignated paragraph at the end, by striking “The employer” and inserting the following:

“(K) The employer”.

(e) PROHIBITION OF OUTPLACEMENT.—

(1) IN GENERAL.—Section 212(n) of such Act, as amended by this section, is further amended—

(A) in paragraph (1), by amending subparagraph (F) to read as follows:

“(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an H-1B nonimmigrant with another employer;” and

(B) in paragraph (2), by striking subparagraph (E).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(f) LIMIT ON PERCENTAGE OF H-1B EMPLOYEES.—Section 212(n)(1) of such Act, as amended by this section, is further amended by inserting after subparagraph (H), as added by subsection (d)(1), the following:

“(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H-1B nonimmigrants.”.

(g) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(A) by amending subparagraph (A) to read as follows:

“(A) The employer—

“(i) is offering and will offer, during the period of authorized employment, to aliens admitted or provided status as an H-1B nonimmigrant, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

“(I) the locally determined prevailing wage level for the occupational classification in the area of employment;

“(II) the median average wage for all workers in the occupational classification in the area of employment; or

“(III) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

“(ii) will provide working conditions for such a nonimmigrant that will not adversely affect the working conditions of workers similarly employed.”; and

(B) in subparagraph (D), by inserting “the wage determination methodology used under subparagraph (A)(i),” after “shall contain”.

(2) PROVISION OF W-2 FORMS.—Section 212(n)(1) of such Act is amended by inserting after subparagraph (I), as added by subsection (f), the following:

“(J) If the employer, in such previous period as the Secretary shall specify, employed 1 or more H-1B nonimmigrants, the employer shall submit to the Secretary the Internal Revenue Service Form W-2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(h) IMMIGRATION DOCUMENTS.—Section 204 of such Act (8 U.S.C. 1154) is amended by adding at the end the following:

“(I) EMPLOYER TO SHARE ALL IMMIGRATION PAPERWORK EXCHANGED WITH FEDERAL AGEN-

CIES.—Not later than 10 working days after receiving a written request from a former, current, or future employee or beneficiary, an employer shall provide the employee or beneficiary with the original (or a certified copy of the original) of all petitions, notices, and other written communication exchanged between the employer and the Department of Labor, the Department of Homeland Security, or any other Federal agency that is related to an immigrant or nonimmigrant petition filed by the employer for the employee or beneficiary.”.

SEC. 3303. H-1B GOVERNMENT AUTHORITY AND REQUIREMENTS.

(a) SAFEGUARDS AGAINST FRAUD AND MISREPRESENTATION IN APPLICATION REVIEW PROCESS.—Section 212(n)(1)(K) of the Immigration and Nationality Act, as redesignated by section 3302 (d)(2), is amended—

(1) by inserting “and through the Department of Labor's website, without charge.” after “D.C.”;

(2) by inserting “, clear indicators of fraud, misrepresentation of material fact,” after “completeness”;

(3) by striking “or obviously inaccurate” and inserting “, presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate”;

(4) by striking “within 7 days of” and inserting “not later than 14 days after”; and

(5) by adding at the end the following: “If the Secretary's review of an application identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing under paragraph (2).

(b) INVESTIGATIONS BY DEPARTMENT OF LABOR.—Section 212(n)(2) of such Act is amended—

(1) in subparagraph (A)—

(A) by striking “12 months” and inserting “24 months”; and

(B) by striking “The Secretary shall conduct” and all that follows and inserting “Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.”;

(2) in subparagraph (C)(i)—

(A) by striking “a condition of paragraph (1)(B), (1)(E), or (1)(F)” and inserting “a condition under subparagraph (B), (C)(i), (E), (F), (H), (I), or (J) of paragraph (1)”;

(B) by striking “(1)(C)” and inserting “(1)(C)(ii)”;

(3) in subparagraph (G)—

(A) in clause (i), by striking “if the Secretary” and all that follows and inserting “with regard to the employer's compliance with the requirements of this subsection.”;

(B) in clause (ii), by striking “and whose identity” and all that follows through “failure or failures.” and inserting “the Secretary of Labor may conduct an investigation into the employer's compliance with the requirements of this subsection.”;

(C) in clause (iii), by striking the last sentence;

(D) by striking clauses (iv) and (v);

(E) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(F) in clause (iv), as redesignated, by striking “meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months” and inserting “comply with the requirements under this subsection, unless the Secretary of Labor receives the information not later than 24 months”;

(G) by amending clause (v), as redesigned, to read as follows:

“(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain

sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.”.

(H) in clause (vi), as redesignated, by striking “An investigation” and all that follows through “the determination.” and inserting “If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination.”; and

(I) by adding at the end the following:

“(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under subparagraph (C);” and

(4) by striking subparagraph (H).

(C) INFORMATION SHARING BETWEEN DEPARTMENT OF LABOR AND DEPARTMENT OF HOMELAND SECURITY.—Section 212(n)(2) of such Act, as amended by this section, is further amended by inserting after subparagraph (G) the following:

“(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by H-1B employers as part of the adjudication process that indicates that the employer is not complying with H-1B visa program requirements. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.”.

(d) AUDITS.—Section 212(n)(2)(A) of such Act, as amended by this section, is further amended by adding at the end the following: “The Secretary may conduct surveys of the degree to which employers comply with the requirements under this subsection and may conduct annual compliance audits of employers that employ H-1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ H-1B nonimmigrants during the applicable calendar year. The Secretary shall conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are H-1B nonimmigrants.”.

(e) PENALTIES.—Section 212(n)(2)(C) of such Act, as amended by this section, is further amended—

(1) in clause (i)(I), by striking “\$1,000” and inserting “\$2,000”;

(2) in clause (ii)(I), by striking “\$5,000” and inserting “\$10,000”; and

(3) in clause (vi)(III), by striking “\$1,000” and inserting “\$2,000”.

(f) INFORMATION PROVIDED TO H-1B NON-IMMIGRANTS UPON VISA ISSUANCE.—Section 212(n) of such Act, as amended by this section, is further amended by inserting after paragraph (2) the following:

“(3)(A) Upon issuing an H-1B visa to an applicant outside the United States, the issuing office shall provide the applicant with—

“(i) a brochure outlining the employer’s obligations and the employee’s rights under Federal law, including labor and wage protections;

“(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer obligations and workers’ rights; and

“(iii) a copy of the employer’s H-1B application for the position that the H-1B nonimmigrant has been issued the visa to fill.

“(B) Upon the issuance of an H-1B visa to an alien inside the United States, the officer of the Department of Homeland Security shall provide the applicant with—

“(i) a brochure outlining the employer’s obligations and the employee’s rights under Federal law, including labor and wage protections;

“(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer’s obligations and workers’ rights; and

“(iii) a copy of the employer’s H-1B application for the position that the H-1B nonimmigrant has been issued the visa to fill.”.

SEC. 3304. L-1 VISA FRAUD AND ABUSE PROTECTIONS.

(a) IN GENERAL.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”;

(2) in subparagraph (E), by striking “In the case of an alien spouse admitted under section 101(a)(15)(L), who” and inserting “Except as provided in subparagraph (H), if an alien spouse admitted under section 101(a)(15)(L)”;

(3) by adding at the end the following:

“(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for up to 12 months only if the employer operating the new facility has—

“(I) a business plan;

“(II) sufficient physical premises to carry out the proposed business activities; and

“(III) the financial ability to commence doing business immediately upon the approval of the petition.

“(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits an application to the Secretary of Homeland Security that contains—

“(I) evidence that the importing employer meets the requirements of this subsection;

“(II) evidence that the beneficiary meets the requirements under section 101(a)(15)(L);

“(III) a statement summarizing the original petition;

“(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i)(I);

“(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

“(VI) evidence that the importing employer, during the preceding 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

“(VII) a statement of the duties the beneficiary has performed at the new facility during the preceding 12 months and the duties the beneficiary will perform at the new facility during the extension period approved under this clause;

“(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

“(IX) evidence of wages paid to employees;

“(X) evidence of the financial status of the new facility; and

“(XI) any other evidence or data prescribed by the Secretary.

“(iii) Notwithstanding subclauses (I) through (VI) of clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a petition subsequently filed on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances beyond the control of the importing employer.

“(iv) For purposes of determining the eligibility of an alien for classification under section 101(a)(15)(L), the Secretary of Homeland Security shall work cooperatively with the Secretary of State to verify a company or facility’s existence in the United States and abroad.”.

(b) RESTRICTION ON BLANKET PETITIONS.—Section 214(c)(2)(A) of such Act is amended to read as follows:

“(2)(A) The Secretary of Homeland Security may not permit the use of blanket petitions to import aliens as nonimmigrants under section 101(a)(15)(L).”.

(c) PROHIBITION ON OUTPLACEMENT.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

“(H) An employer who imports 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an L-1 nonimmigrant with another employer.”.

(d) INVESTIGATIONS AND AUDITS BY DEPARTMENT OF HOMELAND SECURITY.—

(1) DEPARTMENT OF HOMELAND SECURITY INVESTIGATIONS.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

“(I)(i) The Secretary of Homeland Security may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) with regard to the employer’s compliance with the requirements of this subsection.

“(ii) If the Secretary of Homeland Security receives specific credible information from a source who is likely to have knowledge of an employer’s practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer’s compliance with the requirements of this subsection. The Secretary may withhold the identity of the source from the employer, and the source’s identity shall not be subject to disclosure under section 552 of title 5.

“(iii) The Secretary of Homeland Security shall establish a procedure for any person desiring to provide to the Secretary of Homeland Security information described in clause (ii) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary of Homeland Security and completed by or on behalf of the person.

“(iv) No investigation described in clause (ii) (or hearing described in clause (vi) based on such investigation) may be conducted with respect to information about a failure to comply with the requirements under this subsection, unless the Secretary of Homeland Security receives the information not later than 24 months after the date of the alleged failure.

“(v) Before commencing an investigation of an employer under clause (i) or (ii), the Secretary of Homeland Security shall provide notice to the employer of the intent to

conduct such investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.

“(vi) If the Secretary of Homeland Security, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 120 days after the date of the hearing.

“(vii) If the Secretary of Homeland Security, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under section 214(c)(2)(J).”

(2) AUDITS.—Section 214(c)(2)(I) of such Act, as added by paragraph (1), is amended by adding at the end the following:

“(viii) The Secretary of Homeland Security may conduct surveys of the degree to which employers comply with the requirements under this section and may conduct annual compliance audits of employers that employ H-1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ nonimmigrants described in section 101(a)(15)(L) during the applicable calendar year. The Secretary shall conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are nonimmigrants described in section 101(a)(15)(L).”

(3) REPORTING REQUIREMENT.—Section 214(c)(8) of such Act is amended by inserting “(L),” after “(H).”

(e) PENALTIES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

“(J)(i) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

“(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed \$2,000 per violation) as the Secretary determines to be appropriate; and

“(II) the Secretary of Homeland Security may not, during a period of at least 1 year, approve a petition for that employer to employ 1 or more aliens as such nonimmigrants.

“(ii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

“(I) the Secretary of Homeland Security may impose such other administrative rem-

edies (including civil monetary penalties in an amount not to exceed \$10,000 per violation) as the Secretary determines to be appropriate; and

“(II) the Secretary of Homeland Security may not, during a period of at least 2 years, approve a petition filed for that employer to employ 1 or more aliens as such nonimmigrants.

“(iii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (L)(i)—

“(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed \$10,000 per violation) as the Secretary determines to be appropriate; and

“(II) the employer shall be liable to employees harmed for lost wages and benefits.”

(f) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

“(K)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) shall—

“(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

“(aa) the locally determined prevailing wage level for the occupational classification in the area of employment;

“(bb) the median average wage for all workers in the occupational classification in the area of employment; or

“(cc) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

“(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed.

“(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more L-1 nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W-2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.

“(iii) It is a failure to meet a condition under this subparagraph for an employer, who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L), to—

“(I) require such a nonimmigrant to pay a penalty for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

“(II) fail to offer to such a nonimmigrant, during the nonimmigrant’s period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

“(aa) the opportunity to participate in health, life, disability, and other insurance plans;

“(bb) the opportunity to participate in retirement and savings plans; and

“(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).

“(iv) The Secretary of Homeland Security shall determine whether a required payment under clause (iii)(I) is a penalty (and not liquidated damages) pursuant to relevant State law.”

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

SEC. 3305. WHISTLEBLOWER PROTECTIONS.

(a) H-1B WHISTLEBLOWER PROTECTIONS.—Section 212(n)(2)(C)(iv) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(C)(iv)) is amended—

(1) by inserting “take, fail to take, or threaten to take or fail to take, a personnel action, or” before “to intimidate”; and

(2) by adding at the end the following: “An employer that violates this clause shall be liable to the employees harmed by such violation for lost wages and benefits.”

(b) L-1 WHISTLEBLOWER PROTECTIONS.—Section 214(c)(2) of such Act, as amended by section 3304, is further amended by adding at the end the following:

“(L)(i) It is a violation of this subparagraph for an employer who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) to take, fail to take, or threaten to take or fail to take, a personnel action, or to intimidate, threaten, restrain, coerce, blacklist, discharge, or discriminate in any other manner against an employee because the employee—

“(I) has disclosed information that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection; or

“(II) cooperates or seeks to cooperate with the requirements of this subsection, or any rule or regulation pertaining to this subsection.

“(ii) An employer that violates this subparagraph shall be liable to the employees harmed by such violation for lost wages and benefits.

“(iii) In this subparagraph, the term ‘employee’ includes—

“(I) a current employee;

“(II) a former employee; and

“(III) an applicant for employment.”

SEC. 3306. ADDITIONAL DEPARTMENT OF LABOR EMPLOYEES.

(a) IN GENERAL.—The Secretary of Labor is authorized to hire 200 additional employees to administer, oversee, investigate, and enforce programs involving H-1B nonimmigrant workers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

TITLE XXXIV—EMPLOYMENT BASED VISA

SA 2239. Mr. SPECTER 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 EXPULSION, RETURN, OR EXTRADITION OF PERSONS BY THE UNITED STATES TO COUNTRIES ENGAGING IN TORTURE.

(a) PROHIBITION.—

(1) IN GENERAL.—Part IV of title 28, United States Code, is amended by adding at the end the following new chapter:

CHAPTER 181—EXPULSION, RETURN, OR EXTRADITION OF PERSONS TO COUNTRIES ENGAGING IN TORTURE

“Sec.

- “4101. Definitions.
- “4102. Prohibition on expulsion, return, or extradition of persons by the United States to countries engaging in torture.
- “4103. Approval of Foreign Intelligence Surveillance Court required for transfers of persons between foreign countries.
- “4104. Annual reports on countries using torture.

§ 4101. Definitions

“In this chapter:

- “(1) The term ‘appropriate congressional committees’ means—
 - “(A) the Committees on Armed Services, Foreign Relations, Homeland Security and Government Affairs, and the Judiciary and the Select Committee on Intelligence of the Senate; and
 - “(B) the Committees on Armed Services, Homeland Security, the Judiciary, and International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives.
- “(2) The term ‘appropriate government agencies’ means the following:
 - “(A) The elements of the intelligence community (as defined in or specified under section 3(d) of the National Security Act of 1947 (50 U.S.C. 401a(4))).
 - “(B) Any element (other than an element referred to in subparagraph (A)) of the Department of State, the Department of Defense, the Department of Homeland Security, the Department of Justice or any other Federal law enforcement, national security, intelligence, or homeland security agency that takes or assumes custody or control of persons or transports persons in its custody or control outside the United States.
 - “(3) The term ‘Foreign Intelligence Surveillance Court’ means the court established by section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)).
 - “(4) The term ‘substantial grounds’, in the case of an evidentiary showing, means a showing that a fact is more likely than not.

§ 4102. Prohibition on expulsion, return, or extradition of persons by the United States to countries engaging in torture

“(a) PROHIBITION.—No person in the custody or control of any department, agency, officer, or employee of the United States, or any contractor thereof, shall be expelled, returned, or extradited to another country, whether directly or indirectly, unless—

“(1) such person—

“(A) is being legally extradited under a bilateral or multilateral extradition treaty or legally removed under the immigration laws of the United States; and

“(B) has recourse to a United States court of competent jurisdiction before such extradition or removal to challenge such extradition or removal on the basis that there are substantial grounds for believing that such person would be in danger of being subjected to torture in the receiving country;

“(2) in the case of a transfer of such person from the territory of the United States through means other than those covered by paragraph (1), such person has recourse to an appropriate district court of the United States before such transfer to challenge such transfer on the basis that there are substantial grounds for believing that such person would be in danger of being subjected to torture in the receiving country; or

“(3) in the case of the transfer of such person from one foreign country to another foreign country, the transfer has the prior approval of the Foreign Intelligence Surveillance Court in accordance with section 4103 of this title.

“(b) JURISDICTION.—

“(1) JURISDICTION OF DISTRICT COURTS.—In the event the district courts of the United

States do not have jurisdiction under any other provision of law to hear a challenge described in subsection (a)(2), the district courts of the United States shall have jurisdiction to hear such a challenge by reason of this section.

“(2) JURISDICTION OF FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Foreign Intelligence Surveillance Court shall have jurisdiction to consider petitions under section 4103 of this title in accordance with the provisions of that section, and to make determinations, certifications, and approvals of and with respect to such petitions as provided in that section.

“(c) RELEASE OF CERTAIN PERSONS.—If the legal basis for detention of a person to be transferred under subsection (a)(2) no longer applies pending such transfer, including the dismissal or final disposition of criminal charges, immigration proceedings, or material witness obligations, such person shall be released unless the attorney for the appropriate government agency first obtains a warrant from a district court of the United States authorizing continuing detention of such person, upon a showing that—

“(1) there are substantial grounds to believe such person would not be in danger of being subjected to torture in the receiving country;

“(2) there is probable cause to believe such person is an agent of a foreign power (as that term is defined in section 101(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b))); and

“(3) the detention of such person pending transfer is necessary to ensure the safety of the community or the appearance of such person for transfer.

“(d) PRESUMPTION OF SUBSTANTIAL GROUNDS.—

“(1) IN GENERAL.—If the receiving country is included among the countries on the most current list submitted to the appropriate congressional committees by the Secretary of State under section 4104 of this title, a court reviewing the proposed transfer of a person under paragraph (1) or (2) of subsection (a), or a court reviewing an application for a warrant with respect to a person under subsection (c), shall, except as provided in paragraph (2), presume there are substantial grounds for believing that such person would be in danger of being subjected to torture in the receiving country.

“(2) EXCEPTION.—The presumption in paragraph (1) shall not apply with respect to a person if the head of the appropriate government agency concerned makes an affirmative showing to the court that there is in place a mechanism to assure the head of the agency, in a verifiable manner, that such person will not be tortured in the receiving country including, at a minimum, immediate, unfettered, and continuing access from the point of transfer to such person by the International Committee of the Red Cross or its designee.

§ 4103. Approval of Foreign Intelligence Surveillance Court required for transfers of persons between foreign countries

“(a) IN GENERAL.—The Foreign Intelligence Surveillance Court shall, upon a petition submitted under subsection (b), approve the transfer of a person covered by such petition from one foreign country to another foreign country for purposes of section 4102(a)(3) of this title if the Court determines and certifies that there are substantial grounds to believe such person would not be in danger of being subjected to torture in the receiving country.

“(b) PETITION.—

“(1) IN GENERAL.—The head of an appropriate government agency seeking the transfer of a person from one foreign country to

another foreign country for purposes of section 4102(a)(3) of this title shall submit to the Foreign Intelligence Surveillance Court a petition seeking the approval and certification of the Court under subsection (a).

“(2) ELEMENTS.—The petition submitted under this subsection with respect to a person shall include the following:

“(A) The name, nationality, and current location of such person.

“(B) A factual explanation of the facts that caused, or are expected to cause, such person to be within the custody or control, whether direct or indirect, of the United States Government.

“(C) The specific purpose for the transfer covered by the petition, including the receiving country of the transfer.

“(D) A declaration that the transfer does not violate any applicable law or treaty of the United States.

“(E) Any other information the Court considers appropriate for purposes of this section.

“(c) PRESUMPTION OF SUBSTANTIAL GROUNDS.—

“(1) IN GENERAL.—If the receiving country in a petition under subsection (b) is included among the countries on the most current list submitted to the appropriate congressional committees by the Secretary of State under section 4104 of this title, the Foreign Intelligence Surveillance Court shall, except as provided in paragraph (2), presume there are substantial grounds for believing that the person covered by the petition would be in danger of being subjected to torture in the receiving country.

“(2) EXCEPTION.—The presumption in paragraph (1) shall not apply with respect to a person if the head of the appropriate government agency concerned makes an affirmative showing to the Court that there is in place a mechanism to assure the head of the agency, in a verifiable manner, that such person will not be tortured in the receiving country including, at a minimum, immediate, unfettered, and continuing access from the point of transfer to such person by the International Committee of the Red Cross or its designee.

§ 4104. Annual reports on countries using torture

“(a) ANNUAL REPORTS REQUIRED.—The Secretary of State shall submit to the appropriate congressional committees on an annual basis a report listing each country where torture is known to be used.

“(b) BASIS OF REPORTS.—Each report shall be compiled on the basis of the information contained in the most recent annual report of the Secretary of State submitted to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate under section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)).”

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 28, United States Code, and at the beginning of part IV of such title, are each amended by adding after the item relating to chapter 180 the following new item:

“181. Expulsion, Return, or Extradiation of Persons to Countries Engaging in Torture 4101”.

“(b) REGULATIONS.—

(1) INTERIM REGULATIONS.—Not later than 60 days after the effective date of this section under subsection (e), the heads of the appropriate government agencies shall prescribe interim regulations for the purpose of carrying out chapter 181 of title 28, United States Code (as added by subsection (a)), and implementing the obligations of the United States under Article 3 of the Convention Against Torture, subject to any reservations, understandings, declarations, and provisos

contained in the Senate resolution advising and consenting to the ratification of the Convention Against Torture.

(2) FINAL REGULATIONS.—Not later than 180 days after interim regulations are prescribed under paragraph (1), and following a period of notice and opportunity for public comment on such interim regulations, the heads of the appropriate government agencies shall prescribe final regulations for the purposes described in paragraph (1).

(3) DEFINITIONS.—In this subsection:

(A) APPROPRIATE GOVERNMENT AGENCIES.—The term “appropriate government agencies” has the meaning given that term in section 4101 of title 28, United States Code (as so added).

(B) CONVENTION AGAINST TORTURE.—The term “Convention Against Torture” means the Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984.

(C) INITIAL REPORT ON COUNTRIES USING TORTURE.—The Secretary of State shall submit the initial report required by section 4104(a) of title 28, United States Code (as so added), not later than 30 days after the effective date of this section under subsection (e).

(D) REPEAL OF SUPERSEDED AUTHORITY.—

(1) REPEAL.—Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105-277; 112 Stat. 2681-822; 8 U.S.C. 1231 note) is repealed.

(2) TEMPORARY CONTINUATION OF EFFECTIVENESS OF CURRENT REGULATIONS.—Regulations prescribed under section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 that are in effect on the effective date of this section under subsection (e) shall remain in effect until the heads of the appropriate government agencies prescribe interim regulations under subsection (b)(1).

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that is 30 days after the date of the enactment of this Act.

SA 2240. Mr. VITTER 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 of division A, add the following:

SEC. 10. PROHIBITION OF RESTRICTION ON USE OF AMOUNTS.

(a) IN GENERAL.—Subject to subsection (b), and notwithstanding any other provision of law, the President shall not prohibit the use by the State of Louisiana under the Road Home Program of that State of any amounts described in subsection (d), based upon—

(1) the existence or extent of any requirement or condition under that program that—

(A) limits the amount made available to an eligible homeowner who does not agree to remain an owner and occupant of a home in Louisiana; or

(B) waives the applicability of any limitation described in subparagraph (A) for eligible homeowners who are elderly or senior citizens; or

(2) any requirement under section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) to determine cost effectiveness.

(b) WAIVER.—

(1) IN GENERAL.—Except as provided in paragraph (2), in using amounts described in

subsection (d), the President shall waive the requirements of section 206.434(c) of title 44, Code of Federal Regulations (or any corresponding similar regulation or ruling), or specify alternative requirements, upon a request by the State of Louisiana that such waiver is required to facilitate the timely use of funds or a guarantee provided under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

(2) EXCEPTION.—The President may not waive any requirement relating to fair housing, nondiscrimination, labor standards, or the environment under paragraph (1).

(c) SAVINGS PROVISION.—Except as provided in subsections (a) and (b), section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) shall apply to amounts described in subsection (d) that are used by the State of Louisiana under the Road Home Program of that State.

(d) COVERED AMOUNTS.—The amounts described in this subsection are any amounts provided to the State of Louisiana because of Hurricane Katrina of 2005 or Hurricane Rita of 2005 under the hazard mitigation grant program of the Federal Emergency Management Agency under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

SA 2241. Mr. MCCONNELL proposed an amendment 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 bill add 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 2242. Mr. BIDEN (for himself, Ms. CANTWELL, 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 title XV, add the following:

SEC. 1535. POLICY AGAINST THE ESTABLISHMENT OF PERMANENT BASES IN IRAQ.

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

(1) According to a September 2006 poll conducted by the Program for International Policy Attitudes at the University of Maryland, 97 percent of Sunni Arabs and 77 percent of all Iraqis believe that the United States intends to maintain permanent bases in Iraq.

(2) General John Abizaid testified before Congress in March 2006 that the United States “must make clear to the people of the region we have no designs on their territory or resources”.

(3) Iraqi Prime Minister Nuri al-Maliki, in an April 13, 2007, interview with al-Arabiya Television, said, “When we see that our forces are built, and that we are prepared to take full responsibility for the security issue, we will ask the international forces to leave the country.”

(4) The Iraq Study Group recommended that “the United States can begin to shape a positive climate for its diplomatic efforts, internationally and within Iraq, through public statements by President Bush that reject the notion that the United States seeks to control Iraq’s oil, or seeks permanent military bases within Iraq”.

(5) President George W. Bush has not adequately publicly stated that the United

States does not seek permanent military bases in Iraq.

(6) A declaration that the United States does not seek permanent military bases in Iraq should not be taken as a sign of a precipitous military redeployment from Iraq.

(7) United Nations Security Council Resolution 1546 (2004) resolves that United States and Coalition forces in Iraq are present at the request of the Government of Iraq and that the mandate of these forces shall be reviewed at least every 12 months and will terminate at the request of the Government of Iraq.

(b) SENSE OF THE SENATE.—The Senate calls upon the President—

(1) to communicate a message to the people of Iraq that the United States neither seeks to control Iraq's oil resources nor seeks permanent United States military bases in Iraq; and

(2) to direct the United States Permanent Representative to the United Nations to work with other Members of the Security Council and the Government of Iraq to craft in a timely manner a Security Council Resolution to update the mandate of the Multi-National Force-Iraq.

(c) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter until January 1, 2009, the Secretary of Defense shall submit to Congress an unclassified report, with classified annexes as necessary, on the status of United States military installations in Iraq, which shall include the following elements:

(1) Information on military installations that have been transferred to Iraqi control, that remain under United States control, and that have been decommissioned.

(2) A schedule on plans to turn over the remaining military installations to Iraqi control.

(3) Information on negotiations towards a status of forces agreement between the United States and the Government of Iraq.

(4) Specific information on the following military installations:

(A) Camp Al Asad (Anbar governorate).
(B) Logistics Support Area Anaconda (Salah ad Din governorate).

(C) Contingency Operating Base Speicher - Al Sahra Airfield (Salah ad Din governorate).

(D) Camp Victory (Anbar governorate).
(E) Camp Adder at Tallil Airbase (Dhi Qar governorate).

(F) Camp Korean Village at Al-Walid Airbase (Anbar governorate).

(G) Forward Operating Base Endurance at Qayyarah Airbase West (Ninewah governorate).

(H) Convoy Support Center Scania (Qadisiyah governorate).

SA 2243. 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 end of subtitle B of title II, add the following:

SEC. 214. ANTI-TERRORISM FORCE PROTECTION HYDROGRAPHIC SURVEY SYSTEMS FOR INTELLIGENCE, SURVEILLANCE AND RECONNAISSANCE TARGETING AND ENGAGEMENT OPERATIONS.

Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation, Navy, and

available for Power Projection Advanced Technology (PE #0603114N), \$3,000,000 may be available for the development of an Autonomous Unmanned Surface Vessel as a high-endurance, Anti-Terrorism Force Protection, Hydrographic Survey, Intelligence, Surveillance and Reconnaissance system supporting military missions.

SA 2244. Mr. SANDERS 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 X, add the following:

SEC. 1031. PROVISION OF CONTACT INFORMATION OF SEPARATING MEMBERS OF THE ARMED FORCES BY SECRETARY OF DEFENSE TO STATE VETERANS AGENCIES AND LOCAL OFFICES OF DEPARTMENT OF VETERANS AFFAIRS.

Upon the separation of a member of the Armed Forces from the Armed Forces, the Secretary of Defense shall, upon the consent of the member, provide the address and other appropriate contact information of the member to the State veterans agency and every office of the Department of Veterans Affairs in the State in which the veteran will first reside after separation.

SA 2245. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2055 submitted by Mr. LIEBERMAN (for himself and Mrs. BOXER) 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 2, line 9, insert "and every office of the Department of Veterans Affairs" after "State veterans agency".

SA 2246. Mr. SANDERS 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 X, add the following:

SEC. 1031. PROVISION OF CONTACT INFORMATION OF SEPARATING MEMBERS OF THE ARMED FORCES BY SECRETARY OF DEFENSE TO STATE VETERANS AGENCIES AND LOCAL OFFICES OF DEPARTMENT OF VETERANS AFFAIRS.

Upon the separation of a member of the Armed Forces from the Armed Forces, the Secretary of Defense shall, upon the consent of the member, provide the address and other appropriate contact information of the member to the State veterans agency and the local office of the Department of Veterans

Affairs in the State in which the veteran will first reside after separation.

SA 2247. Mr. SANDERS submitted an amendment intended to be proposed to amendment 2055 submitted by Mr. LIEBERMAN (for himself and Mrs. BOXER) 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 2, line 9, insert "and the local office of the Department of Veterans Affairs" after "State veterans agency".

SA 2248. Mr. DORGAN (for himself and Mr. WYDEN) 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. CONTRACTOR CONFLICTS OF INTEREST.

(a) PROHIBITION ON CONTRACTS RELATING TO INHERENTLY GOVERNMENTAL FUNCTIONS.—The head of an agency may not enter into a contract for the performance of any inherently governmental function.

(b) PROHIBITION ON CONTRACTS FOR CONTRACT OVERSIGHT.—

(1) PROHIBITION.—The head of an agency may not enter into a contract for the performance of acquisition functions closely associated with inherently governmental functions with any entity unless the head of the agency determines in writing that—

(A) neither that entity nor any related entity will be responsible for performing any of the work under a contract which the entity will help plan, evaluate, select a source, manage or oversee; and

(B) the agency has taken appropriate steps to prevent or mitigate any organizational conflict of interest that may arise because the entity—

(i) has a separate ongoing business relationship, such as a joint venture or contract, with any of the contractors to be overseen;

(ii) would be placed in a position to affect the value or performance of work it or any related entity is doing under any other Government contract;

(iii) has a reverse role with the contractor to be overseen under one or more separate Government contracts; or

(iv) has some other relationship with the contractor to be overseen that could reasonably appear to bias the contractor's judgment.

(2) RELATED ENTITY DEFINED.—In this subsection, the term "related entity", with respect to a contractor, means any subsidiary, parent, affiliate, joint venture, or other entity related to the contractor.

(c) DEFINITIONS.—In this section:

(1) The term "agency" means the Department of Defense, and any department, agency, and element of the Department of Defense, and includes the Coast Guard when it is operating as a service in the Navy.

(2) The term “inherently governmental functions” has the meaning given to such term in part 7.5 of the Federal Acquisition Regulation.

(3) The term “functions closely associated with governmental functions” means the functions described in section 7.503(d) of the Federal Acquisition Regulation.

(4) The term “organizational conflict of interest” has the meaning given such term in part 9.5 of the Federal Acquisition Regulation.

(d) EFFECTIVE DATE AND APPLICABILITY.—This section shall take effect on the date of the enactment of this Act and shall apply to—

(1) contracts entered into on or after such date;

(2) any task or delivery order issued on or after such date under a contract entered into before, on, or after such date; and

(3) any decision on or after such date to exercise an option or otherwise extend a contract for the performance of a function relating to contract oversight regardless of whether such contract was entered into before, on, or after such date.

SA 2249. 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 XI, add the following:

SEC. 1107. EDUCATIONAL ASSISTANCE IN SUPPORT OF THE NUCLEAR MISSIONS OF THE NAVY.

(a) IN GENERAL.—The Secretary of the Navy is authorized to carry out a program to provide scholarships, fellowships, and grants for pursuit of programs of education at institutions of higher education that lead to degrees in engineering and technical fields that are necessary for a workforce to support the nuclear missions of the Navy.

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

(1) Merit-based scholarships for undergraduate study.

(2) Research fellowships for study the graduate level.

(3) Grants to support the establishment at 2-year public institutions of higher education of programs of study and training that lead to degrees in engineering and technical fields that are necessary for a workforce to support the nuclear missions of the Navy.

(4) Grants to increase the utilization of training, research, and test reactors at institutions of higher education.

(5) Any other elements that the Secretary considers appropriate.

(c) CONSULTATION.—In developing the program, the Secretary shall consult with trade organizations, technical societies, organized labor organizations, and other bodies having an interest in the program.

(d) REPORT ON PROGRAM.—Not later than January 31, 2008, the Secretary shall submit to Congress a report on the program under subsection (a), including a description of the program and a statement of the funding required during fiscal years 2009 through 2013 to carry out the program.

(e) REPORT ON WORKFORCE REQUIREMENTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act,

the Secretary of Defense and the Secretary of Energy shall jointly submit to Congress a report on the requirements for a workforce to support the nuclear missions of the Navy during the 10-year period beginning on the date of the report.

(2) ELEMENTS.—The report shall address anticipated changes to the nuclear missions of the Navy during the 10-year period beginning on the date of the report, anticipated workforce attrition, and retirement, and recruiting trends during that period and knowledge retention programs within the Department of Defense, the Department of Energy, the national laboratories, and federally funded research facilities.

SA 2250. 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 title VII, add the following:

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

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

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

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

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

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

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

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

(4) An assessment of the extent to which practitioners under such profession are authorized to practice independently under

other Federal programs (such as the Medicare program, the Department of Veterans Affairs, the Indian Health Service, Head Start, and the Federal Employee Health Benefits Program), and a review the relationship, if any, between recognition of such profession under the Medicare program and independent practice authority for such profession under the TRICARE program.

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

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

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

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

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

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

SA 2251. Mr. LAUTENBERG (for himself, Mr. SPECTER, Mr. MENENDEZ, Mr. CORNYN, Mr. COLEMAN, Mr. LOTT, Mr. LIEBERMAN, Mr. SCHUMER, Mrs. CLINTON, Mr. CASEY, Ms. COLLINS, and Mr. GRAHAM) submitted an amendment 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:

At the appropriate place, insert the following:

SEC. ____ JUSTICE FOR MARINES AND OTHER VICTIMS OF STATE-SPONSORED TERRORISM ACT.

(a) **SHORT TITLE.**—This section may be cited as the ‘‘Justice for Marines and Other Victims of State-Sponsored Terrorism Act’’.

(b) TERRORISM EXCEPTION TO IMMUNITY.—

(1) **IN GENERAL.**—Chapter 97 of title 28, United States Code, is amended by inserting after section 1605 the following:

“§ 1605A. Terrorism exception to the jurisdictional immunity of a foreign state**“(a) IN GENERAL.**—

“(1) **NO IMMUNITY.**—A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case not otherwise covered by this chapter in which money damages are sought against a foreign state for personal injury or death that was caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources (as defined in section 2339A of title 18) for such an act if such act or provision of material support is engaged in by an official, employee, or agent of such foreign state while acting within the scope of his or her office, employment, or agency.

“(2) **CLAIM HEARD.**—The court shall hear a claim under this section if—

“(A) the foreign state was designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405 (j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) at the time the act occurred, unless later designated as a result of such act;

“(B) the claimant or the victim was—

“(i) a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

“(ii) a member of the Armed Forces of the United States (as that term is defined in section 976 of title 10); or

“(iii) otherwise an employee of the government of the United States or one of its contractors acting within the scope of their employment when the act upon which the claim is based occurred; or

“(C) where the act occurred in the foreign state against which the claim has been brought, the claimant has afforded the foreign state a reasonable opportunity to arbitrate the claim in accordance with the accepted international rules of arbitration.

“(b) **DEFINITION.**—For purposes of this section—

“(1) the terms ‘torture’ and ‘extrajudicial killing’ have the meaning given those terms in section 3 of the Torture Victim Protection Act of 1991 (28 U.S.C. 1350 note);

“(2) the term ‘hostage taking’ has the meaning given that term in Article 1 of the International Convention Against the Taking of Hostages; and

“(3) the term ‘aircraft sabotage’ has the meaning given that term in Article 1 of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation.

“(c) **TIME LIMIT.**—An action may be brought under this section if the action is commenced not later than the latter of—

“(1) 10 years after April 24, 1996; or

“(2) 10 years from the date on which the cause of action arose.

“(d) **PRIVATE RIGHT OF ACTION.**—A private cause of action may be brought against a foreign state designated under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 2405(j)), and any official, employee, or agent of said foreign state while acting within the scope of his or her office, employment, or agency which shall be liable to a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)), a mem-

ber of the Armed Forces of the United States (as that term is defined in section 976 of title 10), or an employee of the government of the United States or one of its contractors acting within the scope of their employment or the legal representative of such a person for personal injury or death caused by acts of that foreign state or its official, employee, or agent for which the courts of the United States may maintain jurisdiction under this section for money damages which may include economic damages, solatium, pain, and suffering, and punitive damages if the acts were among those described in this section. A foreign state shall be vicariously liable for the actions of its officials, employees, or agents.

“(e) **ADDITIONAL DAMAGES.**—After an action has been brought under subsection (d), actions may also be brought for reasonably foreseeable property loss, whether insured or uninsured, third party liability, and life and property insurance policy loss claims.

“(f) SPECIAL MASTERS.—

“(1) **IN GENERAL.**—The Courts of the United States may from time to time appoint special masters to hear damage claims brought under this section.

“(2) **TRANSFER OF FUNDS.**—The Attorney General shall transfer, from funds available for the program under sections 1404C of the Victims Crime Act of 1984 (42 U.S.C. 10603c) to the Administrator of the United States District Court in which any case is pending which has been brought pursuant to section 1605(a)(7) such funds as may be required to carry out the Orders of that United States District Court appointing Special Masters in any case under this section. Any amount paid in compensation to any such Special Master shall constitute an item of court costs.

“(g) **APPEAL.**—In an action brought under this section, appeals from orders not conclusively ending the litigation may only be taken pursuant to section 1292(b) of this title.

“(h) PROPERTY DISPOSITION.—

“(1) **IN GENERAL.**—In every action filed in a United States district court in which jurisdiction is alleged under this section, the filing of a notice of pending action pursuant to this section, to which is attached a copy of the complaint filed in the action, shall have the effect of establishing a lien of lis pendens upon any real property or tangible personal property located within that judicial district that is titled in the name of any defendant, or titled in the name of any entity controlled by any such defendant if such notice contains a statement listing those controlled entities.

“(2) **NOTICE.**—A notice of pending action pursuant to this section shall be filed by the clerk of the district court in the same manner as any pending action and shall be indexed by listing as defendants all named defendants and all entities listed as controlled by any defendant.

“(3) **ENFORCEABILITY.**—Liens established by reason of this subsection shall be enforceable as provided in chapter 111 of this title.”.

“(2) **AMENDMENT TO CHAPTER ANALYSIS.**—The chapter analysis for chapter 97 of title 28, United States Code, is amended by inserting after the item for section 1605 the following:

“1605A. Terrorism exception to the jurisdictional immunity of a foreign state.”.

(c) CONFORMING AMENDMENTS.—

(1) **PROPERTY.**—Section 1610 of title 28, United States Code, is amended by adding at the end the following:

“(g) **PROPERTY IN CERTAIN ACTIONS.**—

“(1) **IN GENERAL.**—The property of a foreign state, or agency or instrumentality of a foreign state, against which a judgment is en-

tered under this section, including property that is a separate juridical entity, is subject to execution upon that judgment as provided in this section, regardless of—

“(A) the level of economic control over the property by the government of the foreign state;

“(B) whether the profits of the property go to that government;

“(C) the degree to which officials of that government manage the property or otherwise control its daily affairs;

“(D) whether that government is the sole beneficiary in interest of the property; or

“(E) whether establishing the property as a separate entity would entitle the foreign state to benefits in United States courts while avoiding its obligations.

“(2) **UNITED STATES SOVEREIGN IMMUNITY INAPPLICABLE.**—Any property of a foreign state, or agency or instrumentality of a foreign state, to which paragraph (1) applies shall not be immune from execution upon a judgment entered under this section because the property is regulated by the United States Government by reason of action taken against that foreign state under the Trading With the Enemy Act or the International Emergency Economic Powers Act.”.

(2) **VICTIMS OF CRIME ACT.**—Section 1404C(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603c(a)(3)) is amended by striking “December 21, 1988, with respect to which an investigation or” and inserting “October 23, 1983, with respect to which an investigation or civil or criminal”.

(3) **GENERAL EXCEPTION.**—Section 1605 of title 28, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (5)(B), by inserting “or” after the semicolon;

(ii) in paragraph (6)(D), by striking “; or” and inserting a period; and

(iii) by striking paragraph (7); and

(B) by striking subsections (e) and (f).

(d) **APPLICATION TO PENDING CASES.**—

(1) **IN GENERAL.**—The amendments made by this section shall apply to any claim arising under section 1605A or 1605(g) of title 28, United States Code, as added by this section.

(2) **PRIOR ACTIONS.**—Any judgment or action brought under section 1605(a)(7) of title 28, United States Code, or section 101(c) of Public Law 104-208 after the effective date of such provisions relying on either of these provisions as creating a cause of action, which has been adversely affected on the grounds that either or both of these provisions fail to create a cause of action opposable against the state, and which is still before the courts in any form, including appeal or motion under Federal Rule of Civil Procedure 60(b), shall, on motion made to the Federal District Court where the judgment or action was initially entered, be given effect as if it had originally been filed pursuant to section 1605A(d) of title 28, United States Code. The defenses of res judicata, collateral estoppel and limitation period are waived in any re-filed action described in this paragraph and based on the such claim. Any such motion or re-filing must be made not later than 60 days after enactment of this Act.

SA 2252. Mr. DURBIN proposed an amendment to amendment SA 2241 proposed by Mr. McCONNELL 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 bill's enactment.

SA 2253. Mr. GRASSLEY 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. ____. **EMPLOYMENT ELIGIBILITY CONFIRMATION PILOT PROGRAMS.**

(a) **REQUIRING FEDERAL DEPARTMENTS AND AGENCIES TO PARTICIPATE IN THE BASIC PILOT PROGRAM.**—Section 402(e)(1)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended to read as follows:

“(A) **EXECUTIVE DEPARTMENTS AND AGENCIES.**—Each department and agency of the Federal Government—

“(i) shall participate in the basic pilot program described in section 403(a);

“(ii) shall comply with the terms and conditions of such program.”.

(b) **REQUIRING DEPARTMENT OF DEFENSE CONTRACTORS TO PARTICIPATE IN THE BASIC PILOT PROGRAM.**—Section 402(e)(1) of such Act, as amended by subsection (a), is further amended by adding at the end the following:

“(C) **DEPARTMENT OF DEFENSE CONTRACTORS.**—The following entities shall participate in the basic pilot program described in section 403(a) and shall comply with the terms and conditions of such program:

“(i) A contractor who has entered into a contract with the Department of Defense to which section 2(b)(1) of the Service Contract Act of 1965 (41 U.S.C. 351(b)(1)) applies, and any subcontractor under such contract.

“(ii) A contractor who has entered into a contract with the Department of Defense that is exempted from the application of such Act by section 6 of such Act (41 U.S.C. 356), and any subcontractor under such contract.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

SA 2254. Mr. MENENDEZ 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. DEPARTMENT OF DEFENSE INSPECTOR GENERAL REPORT ON PHYSICAL SECURITY OF DEPARTMENT OF DEFENSE INSTALLATIONS.

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

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

(1) An analysis of the progress in implementing requirements under the Physical

Security Program as set forth in the Department of Defense Instruction 5200.08-R, Chapter 2 (C.2) and Chapter 3, Section 3: Installation Access (C3.3), which mandates the policies and minimum standards for the physical security of Department of Defense installations and resources.

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

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

SA 2255. Mr. MENENDEZ 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. SENSE OF CONGRESS ON EQUIPMENT FOR THE NATIONAL GUARD TO DEFEND THE HOMELAND.

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

(1) The Army National Guard and Air National Guard have played an increasing role in homeland security and a critical role in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) As a result of the wars in Afghanistan and Iraq, the Army National Guard and Air National Guard face significant equipment shortfalls.

(3) The National Guard Bureau, in its February 26, 2007, report entitled “National Guard Equipment Requirements”, outlines the “Essential 10” equipment needs to support the Army National Guard and Air National Guard in the performance of their domestic missions.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the Army National Guard and Air National Guard should have sufficient equipment available to accomplish their missions inside the United States and to protect the homeland.

SA 2256. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 594. SENSE OF CONGRESS ON PROGRAM ON FACILITATION OF TRANSITION OF MEMBERS OF THE ARMED FORCES TO RECEIPT OF VETERANS HEALTH CARE BENEFITS AFTER COMPLETION OF MILITARY SERVICE.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the Secretary of Defense and the Secretary of Veterans Affairs should, in developing the comprehensive policy required by section 1611 as added by Senate amendment 2019, consider establishing a pro-

gram that utilizes eligible entities to assist members of the Armed Forces, particularly members described in subsection (b), in applying for and receiving health care benefits and services from the Department of Veterans Affairs and otherwise after completion of military service in order to ensure that such members receive a continuity of care and assistance in and after the transition from military service to civilian life.

(b) **TARGET POPULATIONS.**—Members described in this subsection are all members of the Armed Forces, particularly the following:

(1) Members with serious wounds or injuries.

(2) Members with mental disorders.

(3) Women members.

(4) Members of the National Guard and the Reserves.

(c) **VETERAN NAVIGATOR.**—The program described in subsection (a) should include a requirement that eligible entities provide assistance under the program through qualified individuals who provide such assistance on an individualized basis to members of the Armed Forces described in subsection (a) as they transition from military service to civilian life and during the commencement of their receipt of health care benefits and services from the Department of Veterans Affairs and otherwise. An individual providing such assistance would be referred to as a “veteran navigator”.

(d) **ELIGIBLE ENTITIES DEFINED.**—In this section, the term “eligible entity” means any entity or organization that—

(1) is independent of the Department of Defense and the Department of Veterans Affairs; and

(2) has or can acquire the capacity, including appropriate personnel, to provide assistance under the pilot program described in this section.

SA 2257. Mr. CORNYN (for himself and Mrs. DOLE) 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 1043, insert the following:

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

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

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

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

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

(D) The agencies involved in the Iraq program have attempted to adapt to the relentless demands of the reconstruction effort,

but more substantive and permanent reforms are required for the United States Government to be optimally prepared for future operations.

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

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

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

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

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

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

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

SA 2258. 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 subtitle C of title X, add the following:

SEC. 1031. ADDITIONAL WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.

Section 1403(a) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2676; 10 U.S.C. 12310 note) is amended—

(1) in paragraph (1)—
 (A) by striking “23” and inserting “24”; and
 (B) by striking “55” and inserting “56”; and
 (2) in paragraph (2), by striking “55” and inserting “56”.

SA 2259. 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 subtitle B of title II, add the following:

SEC. 214. AMOUNT FOR FLASHLIGHT SOLDIER COMBAT IDENTIFICATION SYSTEM.

(a) INCREASE IN AMOUNT FOR RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSEWIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by \$1,000,000.

(b) AVAILABILITY FOR FLASHLIGHT COMBAT IDENTIFICATION SYSTEM.—Of the amount authorized to be appropriated by section 201(4) for research development, test, and evaluation for Defense-wide activities, as increased by subsection (a), the amount available for Special Operations Technology Development may be increased by \$1,000,000, with the amount of the increase to be available for the Flashlight Combat Identification System (FSCIS).

(c) OFFSET.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby reduced by \$1,000,000.

SA 2260. Mr. LOTT 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. FIRE SCOUT CLASS IV VERTICAL TAKEOFF UNMANNED AERIAL VEHICLE.

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

(1) The Army has purchased MQ-8B Fire Scout Vertical Takeoff Unmanned Aerial Vehicles (UAV) to satisfy the requirement for Class IV unmanned aerial vehicles under its Future Combat Systems program.

(2) The MQ-8B Fire Scout Class IV Vertical Takeoff Unmanned Aerial Vehicle is based on the highly successful RQ-8A Vertical Takeoff Unmanned Aerial Vehicle System developed for the Navy, and is currently in test and evaluation having successfully completed more than 200 test flights since May 2002.

(3) Production of at least six Army MQ-8B Fire Scout Class IV Vertical Takeoff Unmanned Aerial Vehicles has been completed, and final flight testing has been delayed until 2010.

(4) The United States Central Command has an urgent requirement for persistent command, control, communications, computers, intelligence, surveillance, and reconnaissance (C4ISR) systems in support of ongoing operations.

(5) There are at least six Army MQ-8B Fire Scout Class IV Vertical Takeoff Unmanned Aerial Vehicle aircraft available today that could be outfitted with appropriate sensors and deployed to rapidly satisfy the requirements of the United States Central Command.

(b) PROGRAM REQUIRED.—The Secretary of Defense shall take appropriate actions to field not less than six existing Army Fire Scout Class IV Vertical Takeoff Unmanned Aerial Vehicles, with appropriate sensors and communications capabilities and requisite ground control stations, for deployment to the United States Central Command area of operations by not later than February 2008.

(c) FUNDING.—Amounts authorized to be appropriated by this title may be available for procurement for purposes of subsection (b).

(d) REPORT.—Not later than December 1, 2007, the Secretary of the Army shall submit to the congressional defense committees a report describing the progress made toward meeting the requirements of subsection (b).

SA 2261. Mr. INHOFE 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. EXTENSION OF PERIOD OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR CERTAIN MEMBERS OF THE SELECTED RESERVE AFFECTED BY FORCE SHAPING INITIATIVES.

Section 16133(b)(1)(B) of title 10, United States Code, is amended by inserting “or the period beginning on October 1, 2007, and ending on September 30, 2014,” after “December 31, 2001.”

SA 2262. Mr. KENNEDY (for himself, Mr. BINGAMAN, Mrs. CLINTON, Mr. ALexander, and Mr. BUNNING) 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. 3126. MODIFICATION OF SUNSET DATE OF THE OFFICE OF THE OMBUDSMAN OF THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

Section 3686(g) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s-15(g)) is amended by striking “on the date that is 3 years after the date of the enactment of this section” and inserting “October 28, 2012”.

SA 2263. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 594. ENHANCEMENT OF REST AND RECOVERY LEAVE.

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

SA 2264. Mr. LOTT submitted an amendment intended to be proposed by

him to the bill H.R. 1595, 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 XIV, add the following:

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

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

(1) in subsection (a), by adding at the end the following: “However, the Retirement Home shall be treated as a military facility of the Department of Defense, and may not be privatized. The administration of the Retirement Home (including administration for the provision of health care and medical care for residents) shall remain under the direct authority, control, and administration of the Secretary of Defense.”; and

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

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

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

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

SEC. 1515A. CHIEF MEDICAL OFFICER.

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

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

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

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

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

Coast Guard rear admiral (lower half), or higher.

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

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

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

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

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

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

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

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

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

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

(f) LOCAL BOARDS OF TRUSTEES.—

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

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

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

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

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

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

“(K) One senior representative of one of the chief personnel officers of the Armed

Forces, who shall be a member of the Armed Forces serving on active duty in the grade of brigadier general, or in the case of the Navy or Coast Guard, rear admiral (lower half).”.

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

“SEC. 1518. INSPECTION OF RETIREMENT HOME.

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

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

“(b) INSPECTIONS BY INSPECTOR GENERAL.—

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

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

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

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

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

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

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

“(2) The Chief Operating Officer and the Director of a facility being inspected under this subsection shall make all staff, other personnel, and records of the facility available to the civilian accrediting organization

in a timely manner for purposes of inspections under this subsection.

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

“(A) the results of the inspection; and

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

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

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

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

SA 2265. Mr. LEVIN 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 299, line 7, strike “fifth fiscal year” and insert “fourth fiscal year”.

On page 299, line 9, strike “fifth fiscal year” and insert “fourth fiscal year”.

Beginning on page 486, strike line 7 and all that follows through page 487, line 5, and insert the following:

(A) by striking “(1)” and inserting “(1)(A)”; and

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

“(B)(i) Subject to clause (ii), the maximum lease amounts for the 350 units in subparagraph (A) may be waived and increased up to a maximum of \$60,000 per unit per year.

“(ii) The Secretary concerned may not exercise the waiver authority under clause (i) until the Secretary has notified the congressional defense committees of such proposed waiver and the reasons therefor and a period of 21 days has elapsed or, if over sooner, 14 days after such notice is provided in an electronic medium pursuant to section 480 of this title.”;

(2) in paragraph (2), by striking “the Secretary of the Navy may lease not more than 2,800 units of family housing in Italy, and the Secretary of the Army may lease not more than 500 units of family housing in Italy” and inserting “the Secretaries of the military departments may lease not more than 3,300 units of family housing in Italy”;

(3) by striking paragraphs (3) and (4) and redesignating paragraphs (5) and (6) as paragraphs (3) and (5), respectively;

(4) in paragraph (3), as redesignated by paragraph (4) of this subsection, by striking “paragraphs (1), (2), (3), and (4)” and inserting “paragraphs (1) and (2)”;

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

“(4) In addition to the 450 units of family housing referred to in paragraph (1) for which the maximum lease amount is \$25,000 per unit per year, the Secretary of the Army

may lease not more than 3,975 units of family housing in Korea subject to a maximum lease amount of \$46,000 per unit per year. That maximum lease amount shall be adjusted for foreign currency fluctuations and inflation from October 1, 2007.”.

SA 2266. 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 REINTEGRATION PROGRAM.

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

(b) PURPOSE.—The Yellow Ribbon Reintegration Program shall consist of informational events and activities for Reserve Component members, their families, and community members through the four phases of the deployment cycle:

- (1) Pre-Deployment.
- (2) Deployment.
- (3) Demobilization.
- (4) Post-Deployment-Reconstitution.

(d) ORGANIZATION.—

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

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

(A) IN GENERAL.—The OSD (P&R) shall establish the Office for Reintegration Programs within the OSD. The office shall administer all reintegration programs in coordination with State National Guard organizations. The office shall be responsible for coordination with existing National Guard and Reserve family and support programs. The Directors of the Army National Guard and Air National Guard and the Chiefs of the Army Reserve, Marine Corps Reserve, Navy Reserve and Air Force Reserve may appoint liaison officers to coordinate with the permanent office staff.

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

(3) ADVISORY BOARD.—

(A) APPOINTMENT.—The Under Secretary of Defense shall appoint an advisory board to analyze and report areas of success and areas for necessary improvements. The advisory board shall include, but is not limited to, the Director of the Army National Guard, the Director of the Air National Guard, Chiefs of the Army Reserve, Marine Corps Reserve,

Navy Reserve and Air Force Reserve, the Assistant Secretary of Defense for Reserve Affairs, an Adjutant General on a rotational basis as determined by the Chief of the National Guard Bureau, and any other Department of Defense, Federal Government agency, or outside organization as determined by the Secretary of Defense. The members of the advisory board may designate representatives in their stead.

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

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

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

(ii) an assessment of any unmet resource requirements;

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

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

(e) PROGRAM.—

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

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

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

(4) DEMOBILIZATION PHASE.—

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

Teams may provide other events from the Initial Reintegration Activity as determined by the State National Guard or Reserve organizations. Remaining events shall be conducted during the Post-Deployment-Reconstitution Phase.

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

(5) POST-DEPLOYMENT-RECONSTITUTION PHASE.—

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

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

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

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

SA 2267. Mr. CHAMBLISS (for himself and Mr. ISAKSON) 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. SENSE OF SENATE ON COLLABORATIONS BETWEEN THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS ON HEALTH CARE FOR WOUNDED WARRIORS.

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

(1) There have been recent collaborations between the Department of Defense, the Department of Veterans Affairs, and the civilian medical community for purposes of providing high quality medical care to America's wounded warriors. One such collabora-

tion is occurring in Augusta, Georgia, between the Dwight D. Eisenhower Army Medical Center at Fort Gordon, the Augusta Department of Veterans Affairs Medical Center, the Medical College of Georgia, and local health care providers under the TRICARE program.

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

(3) As of January 2007, 431 soldiers, sailors, airmen, and marines have received rehabilitation services at the Active Duty Rehabilitation Unit, and 26 percent of those treated have returned to active duty in the Armed Forces.

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

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

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

SA 2268. Mr. DURBIN (for himself, Mr. INOUYE, Mr. INHOFE, Mr. OBAMA, Mr. MENENDEZ, Mr. BIDEN, Ms. MIKULSKI, Mrs. DOLE, Mr. REED, Mr. LIEBERMAN, 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 D of title V, add the following:

SEC. 555. NURSE MATTERS.

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

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

(1) IN GENERAL.—One of the programs under this section may be a program in which covered commissioned officers with a graduate degree in nursing or a related field who are

in the nurse corps of the Armed Force concerned serve a tour of duty of two years as a full-time faculty member of an accredited school of nursing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) upon graduation from such educational program—

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

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

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

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

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

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

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

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

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

(A) Career placement assistance.

(B) Continuing education.

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

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

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

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

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

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

(B) holds a graduate degree in nursing; and

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

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

(A) Payment of retired or retirement pay without reduction based on receipt of pay or

other compensation from the institution of higher education concerned.

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

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

(g) ADMINISTRATION AND DURATION OF PROGRAMS.—

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

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

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

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

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

SA 2269. Mr. REED (for Mrs. CLINTON) proposed an amendment to the concurrent resolution S. Con. Res. 27, supporting the goals and ideals of “National Purple Heart Recognition Day”, as follows:

On page 2 line 8 strike “requests that the President issue a proclamation calling on” and insert “calls upon”.

NOTICE OF HEARING

Mr. KERRY. I would like to inform Members that the Committee on Small Business and Entrepreneurship will hold a hearing entitled “Increasing Government Accountability and Ensuring Fairness in Small Business Contracting,” on Wednesday, July 18, 2007, at 2:00 p.m. in room 428A of the Russell Senate Office Building.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Nikhil Sahai and Lauren Hughes of my staff be granted floor privileges for the duration of today’s session.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, pursuant to Executive Order 12131, as amended, reappoints the following Member to the President’s Export Council: the Honorable MIKE ENZI of Wyoming.

NATIONAL PURPLE HEART RECOGNITION DAY

Mr. REED. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of S. Con. Res. 27 and that the Senate then proceed to its consideration.

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

The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 27) supporting the goals and ideals of “National Purple Heart Recognition Day.”

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REED. I ask unanimous consent that the amendment at the desk be considered and agreed to, the resolution, as amended, be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD.

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

The amendment (No. 2269) was agreed to, as follows:

On page 2 line 8 strike “requests that the President issue a proclamation calling on” and insert “calls upon”.

The concurrent resolution (S. Con. Res. 27), as amended, was agreed to.

The preamble was agreed to.

The concurrent resolution, as amended, with its preamble, reads as follows:

S. CON. RES. 27

Whereas the Purple Heart is the oldest military decoration in the world in present use;

Whereas the Purple Heart is awarded in the name of the President of the United States to members of the Armed Forces who are wounded in a conflict with an enemy force or are wounded while held by an enemy force as prisoners of war, and is awarded posthumously to the next of kin of members of the Armed Forces who are killed in a conflict with an enemy force or who die of wounds received in a conflict with an enemy force;

Whereas the Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit;

Whereas the award of the Purple Heart ceased with the end of the Revolutionary War, but was revived in 1932, the 200th anniversary of George Washington’s birth, out of respect for his memory and military achievements; and

Whereas observing National Purple Heart Recognition Day is a fitting tribute to George Washington and to the more than 1,535,000 recipients of the Purple Heart, approximately 550,000 of whom are still living: Now, therefore, be it